



Report to the Mississippi Legislature
**A Review of the Current Postsecondary
Governance in Mississippi**

#669
May 10, 2022



PEER: The Mississippi Legislature's Oversight Agency

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The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

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May 10, 2022

Honorable Tate Reeves, Governor
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Honorable Philip Gunn, Speaker of the House
Members of the Mississippi State Legislature

On May 10, 2022, the PEER Committee authorized release of the report titled *A Review of the Current Postsecondary Governance in Mississippi*.

A handwritten signature in black ink, appearing to read "Kevin Blackwell".

Senator Kevin Blackwell, Chair

This report does not recommend increased funding or additional staff.

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A Review of the Current Postsecondary Governance in Mississippi

CONCLUSION: The PEER Committee, under its authority granted by MISS. CODE ANN. § 5-3-51 (1972) et seq., authorized a review of the governance of Mississippi’s universities, plus the University of Mississippi Medical Center (UMMC). Mississippi’s postsecondary governance consists of two boards: a governing board manages the state’s eight four-year universities (Board of Trustees of the Institutions of Higher Learning) and a coordinating board that coordinates the state’s 15 community colleges (Mississippi Community College Board). Because no standard for best practices exists, PEER identified potential approaches for restructuring the state’s postsecondary governance.

IHL Board of Trustees:

The IHL Board is constitutionally empowered to manage and control the state’s eight institutions of higher learning.

Mississippi initially established individual boards for each institution and gave the Governor authority to appoint all board members. This led to government overreach and interference with university operations (e.g., governor-led termination of university presidents and staff), which threatened universities’ accreditation. In 1943, Mississippians voted to create the IHL Board to govern the state’s universities and prohibited current elected officials from serving as Board members.

If Mississippi were to consider changing its postsecondary structure, it would need to take into account regulatory and support functions currently conducted by the IHL Board (e.g., finance and administration, facility operations).

Mississippi Community College Board:

The Mississippi Community College Board establishes guidelines for the fifteen local community colleges; each has its own local governing board.

In 1928, the Commission of Junior Colleges oversaw the development of the state’s early junior colleges. In 1986, the Legislature reconstituted the Commission as the State Board for Community and Junior Colleges (later renamed the Mississippi Community College Board) in 2011.

If the state were to consider making changes to the state’s postsecondary structure, the state would need to take into account the administrative and support functions currently conducted by the MCCB (e.g., administration, workforce education).

Postsecondary Education Governance Boards/Agencies

Type of Board	Description
Single, Statewide Coordinating Board/Agency	Refers to states that have one overarching state-level board responsible for coordinating its postsecondary education system, including its universities and community colleges. e.g., Alabama, Arkansas, Louisiana, Tennessee
Single, Statewide Governing Board/Agency	Refers to states that have one overarching state-level board responsible for governing its postsecondary education system. This model may have governing authority over both universities and community colleges, or governing authority over one and coordinating authority over the other. e.g., Kansas, Montana, Nevada
One or More Systemwide Coordinating or Governing Board	Refers to states that have at least one board with authority over a particular system, usually either universities or community colleges. e.g., Mississippi, Georgia, Kentucky, Wisconsin
Administrative Service Agency	Refers to states that have either standalone or support functions inside an existing agency (e.g., the state’s department of education) to support the state’s universities and/or community colleges, but does not have a formal governing or coordinating board in which the agency supports. e.g., Florida, Iowa, New Hampshire
No State Higher Education Board or Agency (for universities)	Refers to states that have no state-level board or agency responsible for governing or coordinating its universities. e.g., Delaware, Michigan, New Jersey

Things to Consider:

Limited information exists about best practices for reorganizing postsecondary governance.

- Focus on the ends, not the means.
- Identify and articulate the core issues the state is trying to address.
- Examine options for working within existing governance.
- A change in governance of institutions managed and controlled by the IHL Board of Trustees would require an amendment of Section 213A of the *Mississippi Constitution of 1890*.

Identifying Approaches for Restructuring the State's Postsecondary Governance

State leaders could take multiple approaches to amend the current postsecondary governance model. Most models to alter the university governance would require a constitutional amendment and most models to alter the community college structure would at least require a statutory amendment.

Should the State have An Overarching/Unifying Postsecondary Governance Structure?

- could involve adding an overarching coordinating body for community colleges and universities; and,
- could improve the functionality of the existing governance structure or merging IHL Board and MCCB.

Which Approach Does Mississippi Want to Utilize to Govern Its Universities?

- maintain existing structure (a central governing board for universities only);
- move toward institutional governing boards for each university or a multiple-university system that has its own board; or,
- institute an overarching governing/coordinating board with some level of authority over universities.

Which Approach Does Mississippi Want to Utilize to Govern Its Community Colleges?

- maintain existing structure (community colleges have their own local governing boards);
- move toward centralization (e.g., a community college governing board); or,
- establish one board with authority over universities and community colleges.

Identifying Approaches for Restructuring UMMC's Governance

State leaders could take multiple approaches to amend UMMC's governance. Any approach that alters UMMC's governance would require a change in statute and potentially amending the state's constitution if such change in governance related to removing UMMC from IHL Board of Trustees oversight or significantly altering IHL authority as it relates to UMMC.

Can the State Identify Sufficient Cause to Change the Existing UMMC Governance?

- could adjust involvement of IHL Board in decision-making; and,
- could make changes in state law to adjust UMMC's governance without significantly modifying the state's postsecondary governance.

Does Mississippi Want a Single Entity to Govern UMMC?

- could involve eliminating half of UMMC's current dual governance (UM and IHL Board) and requiring UMMC to report only to one board; and,
- would likely require a constitutional amendment.

Does Mississippi Want UMMC to be Governed by a UMMC-Specific Board?

- involves removing UMMC from its current dual governance and reconstituting UMMC under a single board more tailored to governing an academic health center; and,
- would require a constitutional amendment.

Does Mississippi Want to Separate UMMC's Clinical Enterprise (i.e., hospitals, clinics, and telehealth) from UMMC's Academic and Research Components?

- involves examining the ownership of UMMC's clinical enterprise; and,
- could involve creating a separate governing arrangement (e.g., separate non-profit; partnership with other healthcare providers).

A Review of the Current Postsecondary Governance in Mississippi

Introduction

Authority

The PEER Committee, under its authority granted by MISS. CODE ANN. § 5-3-51 (1972) et seq., authorized a review of the governance for Mississippi's universities, plus the University of Mississippi Medical Center (UMMC). The PEER Committee sought to identify how other states provide oversight and management of their institutions.

Scope and Purpose

In conducting the portion of this review pertaining to postsecondary education governance (postsecondary governance), PEER sought to:

- describe the history, purpose, and current governance of the Mississippi Board of Trustees of the Institutions of Higher Learning (IHL Board of Trustees) and the Mississippi Community College Board (MCCB);
- describe the history and purpose of UMMC and its relationship with the IHL Board of Trustees and the University of Mississippi;
- describe the state boards responsible for accrediting the state's academic degree programs at the state's public and non-profit universities and colleges;
- describe the state boards that receive some staff support from either IHL or MCCB for either accrediting or licensing programs or administering financial aid;
- identify the portions of state law (i.e., the *Mississippi Constitution of 1892* and the *Mississippi Code of 1972 Annotated*) pertaining to Mississippi's postsecondary governance;
- identify and describe the various types of postsecondary governance and academic medical center governance;
- discuss the reasons states have moved toward restructuring their postsecondary governance, and variances in reasons, direction, and efforts taken to do so;
- identify and discuss recent efforts of other states to alter their postsecondary governance;

- compile a list of items the Legislature may want to consider prior to embarking on any effort to restructure the state's postsecondary governance and/or UMMC's governance; and,
- identify potential approaches to consider for restructuring the state's postsecondary governance or UMMC's governance.

Methodology

PEER determined that governance for several of Mississippi's neighboring states, among others, include community colleges and/or K-12 education. For this reason, PEER expanded its review of university governance to include all postsecondary governance (universities, community colleges, and, in limited cases, K-12).

PEER reviewed:

- applicable state law governing the IHL Board of Trustees, the MCCB, and UMMC;
- the Mississippi Board of Trustees of State Institutions of Higher Learning *Policies and Bylaws* (IHL *Policies and Bylaws*), as amended through February 18, 2021;
- IHL, MCCB, and UMMC budget requests for FY 2023;
- information collected from the IHL, MCCB, and UMMC websites;
- information from the Education Commission of the States on the type of postsecondary governance in each state, reasons for restructuring, and recent efforts by states to alter their postsecondary governance;
- information from the Association of Governing Boards of Universities and Colleges (AGB) on the types of postsecondary governance in each state;
- reports previously published by other states in which they attempted to review postsecondary governance in their state and nationally;
- the Center for Mississippi Health Policy's 2015 report *Academic Health Centers: Governance Models and UMMC*; as conducted by Veralon, Inc.;
- information from the American Association of Medical Centers's (AAMC) Organizational Characteristics Database as of June 11, 2011; and,
- documentation and memos provided by UMMC pertaining to the various types of academic health center governance.

PEER also interviewed:

- Legislative Budget Office staff as to the applicability of the various IHL and UMMC budgets;

- directors of the Office of Student Financial Aid and the Mississippi Volunteer Commission as to both their roles and their operating and financial relationship with IHL;
- staff of the Education Commission of the States and the Association of Governing Boards;
- staff of various states' postsecondary governance systems (Alabama, Arkansas, Kentucky, and Tennessee) to clarify portions of their state's postsecondary governance;
- staff of the American Association of Medical Centers concerning its research on the various types of academic health centers;
- staff of UMMC as to UMMC accreditation for its medical school and the various programs within its medical school; and,
- staff of the University of Tennessee Medical Center as to the process/authority for the clinical enterprise separating from the academic medical center to form a separate non-profit, and the reasons for doing so.

Mississippi Postsecondary Governance

This chapter includes a discussion of:

- the IHL Board of Trustees;
- MCCB; and,
- other entities receiving staffing support from IHL or MCCB.

IHL Board of Trustees

Established by constitutional amendment in 1943, the IHL Board of Trustees serves as the governing and regulatory body for the state’s eight public universities. If Mississippi were to consider making changes to its postsecondary governance, it would need to take into account the regulatory and support functions currently conducted by the IHL Board of Trustees through the IHL Central Office.

This section includes a discussion of:

- the history leading to the creation of the IHL Board of Trustees;
- the purpose of the IHL Board of Trustees; and,
- an overview of the functions of the IHL Central Office.

History Leading to the Creation of the IHL Board of Trustees

Mississippi initially established individual boards for each institution and gave the Governor authority to appoint all board members including current elected officials. This led to government overreach and interference with university operations (e.g., governor-led termination of university presidents and staff; political retaliation), which threatened universities’ accreditation. In 1943 Mississippi voters amended the Mississippi Constitution of 1890, adding Article 8, Section 213A. This amendment created the Board of Trustees of the Institutions of Higher Learning to govern the state’s universities and prohibited current elected officials from serving as Board members.

Exhibit 1 on page 6 provides a timeline depicting the changes in the governance for Mississippi’s universities from 1844 to present.

Mississippi initially established institutional boards for each of its early universities, with the Governor serving as ex-officio chair of each board. Current state and local elected officials were permitted to serve on each board. This, in part led to political overreach, and an effort to consolidate the boards.

In April of 1910, the Legislature passed H.B. 295, which provided for one board of trustees who supervised and controlled the affairs of the University of Mississippi located in Oxford, the Agricultural and Mechanical College in Starkville, the Industrial Institute and College in Columbus, and the Alcorn Agricultural and Mechanical College in Rodney. In 1924, the legislature established two additional independent and separate boards for new universities Mississippi Southern College and Delta State Teachers College.

After these early boards were replaced by a single governing board, the state began experiencing issues with gubernatorial interference within the governance of higher education. As governors such as Theodore Bilbo and Paul B. Johnson interfered with the state's higher education system through the firing of university personnel and the restructuring of the oversight boards, the academic accreditation of the state's universities was brought into question multiple times. After the Southern Association of Colleges placed the entirety of Mississippi's university system on accreditation probation following the interference of Johnson, efforts began to create an oversight board shielded from political overreach.

In 1943, Mississippi voters ratified an amendment (Article 8, Section 213A) to the *Mississippi Constitution of 1890* to create the constitutional Board of Trustees of the Institutions of Higher Learning. The driving force behind establishing a constitutional Board was that it would require a constitutional amendment to change the Board's composition, and therefore limit efforts of future governors to stack the Board with like-minded members by expanding the number of Board members or changing the Board's composition. Article 8, Section 213A, of the *Mississippi Constitution of 1890* also, for the first time, prohibited current elected officials from serving on the Board governing state universities.

The composition of the IHL Board of Trustees has been amended twice since 1943. The Mississippi La Bauve Fund, also known as Amendment 4, was on the ballot in Mississippi on November 3, 1987, as a legislatively referred constitutional amendment, and was approved. The amendment proposed to allow the Legislature to appoint a trustee to the La Bauve Fund from the Board of Trustees of the State Institutions of Higher Learning for the perpetuation of the fund. In 2003, the general electorate approved Senate Concurrent Resolution 522 (with 85% of the vote) to reduce the time period a Board member may serve from twelve years to nine years, and change the composition of the Board to include four members from each of the three supreme court districts.

While changes to the governance of institutions currently managed and controlled by the IHL Board of Trustees could be implemented, the Constitutional mandate of Section 213A giving the IHL Board the exclusive authority to manage and control these institutions would likely have to be amended for any change to be legal.

Exhibit 1: Governance of Mississippi Universities, 1844 to Present

1844-mid 1880s	The state's early public institutions of higher learning are established, each with its own autonomous boards of trustees. The Governor is made to serve as ex-officio chair of each board. Elected officials are able to be appointed to each board.
1910	Institutional boards are consolidated into one board. However, the governor remains ex-officio chair of the board, and current elected officials may still be appointed to the board.
1924	The legislature establishes two additional independent and separate boards for new universities Mississippi Southern College and Delta State Teachers College.
1928-1932	The "Bilbo Purge" occurs, and refers to the period in which Governor Bilbo dismisses three college presidents, 53 faculty members, and 100 staff workers. <ul style="list-style-type: none">• University of Mississippi Law School has its accreditation suspended.• Several other state universities face accreditation challenges.
1936	The Legislature increases the board's size to 13 members under new Governor Hugh White.
1940	The Legislature increases the board's size to 15 members under new Governor Paul B. Johnson, Sr. <ul style="list-style-type: none">• Governor Johnson terminates administrators of Mississippi Southern College.• Southern Association of Colleges places all state institutions on probation.
1942	The Legislature passes an amendment to the <i>Mississippi Constitution of 1890</i> to establish the constitutional Board of Trustees of State Institutions of Higher Learning. The amendment is placed on the general election ballot for a vote.
1943	The general electorate ratifies an amendment to the state constitution to establish the constitutional Board of Trustees of the State Institutions of Higher Learning (Article 8, Section 213A).
2002-2003	The Legislature adopts Senate Concurrent Resolution 522 to place on the general election ballot an amendment to the <i>Mississippi Constitution of 1890</i> to amend the term length and composition of the Board of Trustees of the State Institutions of Higher Learning. <ul style="list-style-type: none">• General electorate ratifies the amendment with 85% of the vote.

SOURCE(S):

- (1) *The Events and Circumstances Leading to the Establishment of the Constitutional Board of Trustees.* Dr. David Sansing, September 2008.
 - (2) House Bill 295, General Laws of 1910.
 - (3) *A Troubled History: The Governance of Higher Education in Mississippi.* Dr. David G. Sansing, 2014.
 - (4) *Mississippi Constitution of 1890.* Article 8, Section 213A. State Institutions of Higher Learning.
-

Purpose of the IHL Board of Trustees

The IHL Board of Trustees is constitutionally empowered to manage and control the state's eight institutions of higher learning, including the authority to elect the heads of each institution of higher learning and to contract with institutional employees for a term not exceeding four years.

The IHL Board of Trustees serves as the governing body for the state's eight public universities. Article 8, Section 213A, of the *Mississippi Constitution of 1890* placed each of the state's eight institutions of higher learning (as identified below) "under the management and control" of the IHL Board of Trustees. Article 8, Section 213A, further states the IHL Board of Trustees:

... shall have the power and authority to elect the heads of the various institutions of higher learning, and contract with all deans, professors and other members of the teaching staff, and all administrative employees of the institutions for a term not exceeding four (4) years; but the board may terminate any such contract at any time for malfeasance, inefficiency or contumacious conduct, but never for political reasons.

MISS. CODE ANN. § 37-101-15 (1972) lays out the powers and duties of the IHL Board of Trustees. Additional powers are specified elsewhere in the CODE (e.g., develop a system of manpower management, lease any land or land with existing auxiliary facilities at any of the state's eight public institutions).

MISS CODE ANN. § 37-101-7 (1972) authorizes the IHL Board of Trustees to appoint a nonmember as the Commissioner of Higher Education. It further states the Commissioner of Higher Education shall maintain an office, make constant inquiry into the problems of higher education, and be responsible for compiling all laws and all rules and regulations adopted by the board.¹

According to IHL's FY 2023 budget request, IHL had 61.5 full-time equivalent positions (FTEs) in FY 2021 with a total cost for salaries, wages, and fringe of \$7,320,575. This included 53.5 general-fund supported positions, 4.0 federally supported positions, and 4.0 positions supported by other special funds spread out over IHL's six programmatic areas, as identified in its budget request. See Exhibit 2 on page 7 for the IHL FTEs by program area.

Exhibit 2: Institution of Higher Learning Full-Time Equivalent Positions, by Program Area, for FY 2021

Program	General Fund	State Support Special Fund	Federal Fund	Other Special Fund	Total	Cost (\$)
Executive Office	13.0	0.0	0.0	0.0	13.0	2,029,523

¹ Reflected in the IHL Board of Trustees *Policies and Bylaws*, as amended through February 18, 2021.

Finance & Administration	11.0	0.0	0.0	3.0	14.0	1,529,393
Planning & Research	9.0	0.0	0.0	0.0	9.0	986,042
Facilities	11.5	0.0	0.0	0.0	11.5	871,025
Academic Affairs	5.0	0.0	4.0	1.0	10.0	1,509,830
MARIS¹	4.0	0.0	0.0	0.0	4.0	394,762
Total	53.5	0.0	4.0	4.0	61.5	7,320,575

1. Mississippi Automated Resource Information System

SOURCE: Data obtained from the Institution of Higher Learning's FY 2023 Budget Request.

IHL Functions

If Mississippi were to consider making changes to its postsecondary governance, it would need to take into account the regulatory and support functions currently conducted by the IHL Board of Trustees through the IHL Central Office.

According to IHL's FY 2023 budget request, the IHL Central Office functions are divided into five core program areas:

- Finance and Administration;
- Planning and Research;
- Facilities;
- Academic Affairs; and,
- Mississippi Automated Resource Information System (MARIS).

Exhibit 3 on page 8 provides a brief description of the functions within each program area.

Exhibit 3: Summary of IHL Central Office Functions

Program	Description
Finance and Administration	<ul style="list-style-type: none"> • Provides administrative support services for the IHL Central Office, the IHL Board of Trustees, the Office of Student Financial Aid, and the Mississippi Volunteer Commission.
Facilities	<ul style="list-style-type: none"> • Monitors all funding, planning, and construction for capital improvement and renovation programs. • Provides for security and maintenance of the Mississippi Education and Research Center.
Academic Affairs	<ul style="list-style-type: none"> • Provides leadership and coordination for the state's eight public universities on various academic programs and systems. • Serves as the administrative office of the Mississippi Commission on College Accreditation.

	<ul style="list-style-type: none"> • Serves coordinating board responsibilities regarding nursing degree program accreditation.
Planning and Research	<ul style="list-style-type: none"> • Develops long-term economic development strategies and maintains information on research and public service efforts of the state universities as well as all other research and development efforts. • Maintains the University Research Center, including the office of the State Economist. • Operates the Bureau of Long-Range Economic Development Planning. • Operates the Office of Strategic Research.
Mississippi Automated Resource Information System (MARIS)	<ul style="list-style-type: none"> • Promotes and maintains technical compatibility and cooperative geographic information programs within state government. • Develops and maintains up-to-date geographical information system (GIS) services and image processing capabilities for use by state agencies.

SOURCE: Information obtained from IHL's FY 2023 Budget Request and the IHL website.

IHL performs several regulatory and support functions the state would need to consider prior to making changes to the IHL governance. For example, IHL Real Estate and Facilities staff along with the IHL Board of Trustees oversee university capital improvement projects greater than \$1,000,000.

Additionally, located within IHL are several state boards, state entities, or state subsets. This may include, but not be limited to, the Mississippi Commission on College Accreditation, the Office of Student Financial Aid, and the University Research Center, of which the Office of the State Economist, the Bureau of Long-Range Economic Development Planning, and MARIS are a part. The state would need to consider to what extent these functions should continue, and if so, under what state entity, prior to making any changes to the IHL governance.

Mississippi Community College Board

Established by statute in 1986, the Mississippi Community College Board serves as the coordinating body for the state's 15 community colleges. Its primary functions include disbursing state support funds to community colleges, supporting the state workforce development centers, licensing and overseeing proprietary schools, and approving career and technical programs.

This section includes a discussion of:

- the history leading to the creation of the Mississippi Community College Board (MCCB);
- the organization and powers of MCCB; and,
- overview of MCCB functions and staff.

History Leading to the Creation of the Mississippi Community College Board

Formed in 1928 as a division of the State Board of Education, the state's initial community college system, the Commission of Junior Colleges, oversaw the development of the state's early junior colleges. In 1986, the Legislature reconstituted the Commission as the State Board for Community and Junior Colleges and made the entity its own stand-alone agency. The Board was later renamed the Mississippi Community College Board in 2011.

Formed in 1928² as part of the establishment of Mississippi's junior college system, the initial Commission of Junior Colleges consisted of the state superintendent of public education (the chairman), the heads of the University of Mississippi, the Agricultural and Mechanical College, the Mississippi State College for Women, and the heads of three junior colleges. The Commission was served by personnel within the State Department of Education. The Legislative intent in developing the junior college system is codified under MISS. CODE ANN. § 37-04-01 (1972).

Some of the powers and responsibilities MCCB currently holds were first listed in Chapter 303, Laws of 1928. For example, Chapter 303 required that junior colleges consist of the work of the freshman and sophomore years. Junior colleges were organized to offer a complete course of instruction so that their graduates could immediately enter professional schools. Course subjects included, but were not limited to, agricultural, horticulture, and commercial gardening. Certain junior colleges were also authorized to extend curriculum to provide for the educational needs of its school district, county, or counties.

Chapter 303 also established the local funding mechanism for the state's early junior colleges as well as some minimum standards. Examples include requiring high school students to complete at least 15 units of high school work prior to being eligible for admission and requiring laboratories to have at least \$2,000 worth of lab equipment.

During World War II, the junior colleges developed into vocational training centers so that when veterans returned, the schools were positioned to serve the GI Bill students. Between the 1960s and 1980s, rural schools would build branches in urban centers, and vocational and technical students came to outnumber students preparing to transfer to four-year colleges, with part-time commuter students becoming increasingly common.

In 1986, the Legislature reconstituted the Commission as the State Board for Community and Junior Colleges, which was officially renamed the MCCB in 2011. This included restructuring Board composition and relocating its Department of Education staff to form its own agency, with its director appointed by the new Board. The Legislature also significantly changed the Board composition by removing the four appointees by office designation and the

² Chapter 303, Laws of 1928.

three positions representing junior college presidents. The revised Board now consists of ten members appointed to staggered six-year terms, with each member appointed by the Governor. The Governor must appoint two members from each of Mississippi's five Congressional districts (as they existed before the 2000 federal census). No Board appointee may be an elected official.

Organization/Powers of MCCB

The Mississippi Community College Board is a coordinating agency that establishes standards and guidelines for the operation of the fifteen local community college districts in order to qualify for state appropriations.

MCCB functions as a coordinating body for the state's 15 community and junior colleges. MCCB powers include:

- appointing the MCCB Executive Director;
- establishing standards and guidelines for the operation of the fifteen local districts in order to qualify for state appropriations;
- disbursing and monitoring state support funds to community and junior colleges which qualify under the standards adopted by the Board; and,
- considering the approval of vocational and technical education programs and new attendance centers and off-campus sites.

Each of the state's 15 community and junior colleges has its own local governing board. This is in part because they are considered local government entities.

MCCB Functions and Staff

If the state were to consider making changes to the state's postsecondary governance, the state would need to take into account the administrative and support functions currently conducted by the MCCB through its staff.

MCCB is supported by MCCB agency staff. According to IHL's FY 2023 budget request, MCCB functions are divided into four core program areas:

- Administration;
- Workforce Education;
- Proprietary School and College Registration; and,
- Career and Technical Education.

Exhibit 4 on page 12 summarizes the primary objectives of these core functions.

Exhibit 4: Summary of Mississippi Community College Board Functions

Function	Description
Administration	<ul style="list-style-type: none"> • Implements legislative programs and executive policies for the state's public community/junior colleges, executes MCCB policies for coordinating instructional activities, and ensures compliance with Community College standards. • Provides guidance in legal, financial, general administration, and legislative affairs to college boards and provides leadership, instructional programs, student services, and student activities to the deans of instruction and deans of students. • Conducts enrollment audits on which the distribution of state funding is based and shares statewide data.
Workforce Education	<ul style="list-style-type: none"> • Provides direction and support to Workforce Development Centers at all 15 community colleges, and is responsible for measuring and evaluating program effectiveness. • Includes Adult Literacy training, high school equivalency exam preparation and testing, customized workforce skills training, and advanced skills training.
Proprietary School and College Registration	<ul style="list-style-type: none"> • Administers the work of the Commission on Proprietary School and College Registration, the licensing and oversight body for the state's proprietary vocational postsecondary education entities. • Issues certificates of registration and agent's permits and approves programs of study, instructors, and criteria established by the commission.
Career and Technical Education	<ul style="list-style-type: none"> • Oversees the career and technical programs at each community and college, comprehensive centers, and extension centers throughout the state, including assisting with the evaluation and assessment of career and technical programs. • Facilitates a reimbursement process for state upgrade equipment and disbursement of Career and Technical Education FTE funding. • Reviews all new programs, as well as modifications to existing programs. • Facilitates compliance with federal civil rights laws as it pertains to career and technical programs, and is responsible for Civil Rights Compliance Reviews. • Serves as the liaison between the Community and Junior Colleges, the Mississippi Department of Education, and the Research and Curriculum Unit at MSU with regard to federal Perkins Act requirements, curriculum development processes, articulation, and accountability requirements.

SOURCE: Information obtained from the Mississippi Community College Board's FY 2023 Budget Request.

According to the Mississippi Community College Board’s FY 2023 budget request, MCCB had 51.01 full-time equivalent positions (FTEs) in FY 2021 with a total cost for salaries, wages, and fringe of \$6,612,995. This included 22.31 general-fund supported positions, 2.03 state support special positions, 9.55 federally supported positions, and 17.12 positions supported by other special funds spread out over MCCB’s four programmatic areas, as identified in its budget request. See Exhibit 5 on page 13 for MCCB FTEs by program area.

Exhibit 5: Mississippi Community College Board Full-Time Equivalent Positions, by Program Area, for FY 2021

Program	General Fund	State Support Special Fund	Federal Fund	Other Special Fund	Total	Cost (\$)
Administration	9.62	1.00	3.00	7.38	21.00	2,421,219
Workforce Education	6.44	1.03	4.17	6.36	18.00	1,765,784
Proprietary Schools & College	0.25	0.00	0.38	0.38	1.01	151,612
Career & Technical Education	6.00	0.00	2.00	3.00	11.00	2,274,380
Total	22.31	2.03	9.55	17.12	51.01	6,612,995

SOURCE: Data obtained from the Mississippi Community College Board’s FY 2023 Budget Request.

Other Entities Receiving Staffing Support from IHL or MCCB

There are three additional governing boards responsible for governing certain aspects of postsecondary education that receive at least some staffing support from either IHL or MCCB. This includes the Mississippi Commission on College Accreditation (accredits public and nonprofit universities and colleges), the Commission on Proprietary School and College Registration (licenses for-profit vocational secondary schools), and the Mississippi Postsecondary Education Financial Assistance Board (oversees state-supported student financial aid programs). In addition, the Mississippi Volunteer Commission also receives back-office support (e.g., processing payroll) from IHL.

If the state were to pursue efforts to alter its postsecondary governance in a way that alters the IHL Central Office or MCCB staff, the state would need to take into account the support role IHL or MCCB provides the three additional governing boards responsible for governing certain aspects of postsecondary education. This includes:

- the IHL-supported Mississippi Commission on College Accreditation (accredits public and nonprofit universities and colleges);

- the MCCB-supported Commission on Proprietary School and College Registration (licenses for-profit vocational secondary schools); and,
- and the Mississippi Postsecondary Education Financial Assistance Board (oversees state-supported student financial aid programs).

The Mississippi Postsecondary Education Financial Assistance Board has its own staff in the Office of Student Financial Aid. Though the Office of Student Financial Aid is funded through a separate budget, the IHL Central Office generally approves Office of Student Financial Aid human resources decisions (e.g., hiring, firing, leave) and the disbursement of any financial aid funds. The IHL Central Office also provides some back-office support operations (e.g., HR, payroll). One-half of one percent of the budget is allocated to the IHL Central Office as an administrative fee, purportedly for providing back-office support including human resources and financial oversight (e.g., staff authorization of disbursement of funds).

The IHL Central Office also provides limited back-office support functions for the Mississippi Volunteer Commission, including processing payroll, disbursing funds for expenses, and including the Commission in its annual audit.

Other States' Postsecondary Governance

State postsecondary governance takes many forms, reflecting the interests of citizens, the expectations of policymakers, and the regard for past institutions and organizations. This chapter includes a discussion of:

- the types of postsecondary governance;
- different types of postsecondary governance in southeastern states;
- causes and reasons for restructuring, and;
- recent state efforts to alter their postsecondary governance.

Types of Postsecondary Governance

The Education Commission of the States, in its October 2019 report *An Analysis of State Postsecondary Governance Structures*, broadly categorized states into one of five main types of higher education governance. However, no two states or the District of Columbia have the same underlying structure.

According to the Education Commission of the States, no two states or the District of Columbia have the same underlying structure. This is in part because postsecondary governance is rooted in a state's culture and history with postsecondary governance evolving in response to legislative and public interests.

The Education Commission of the States identified five main types of higher education governance.³ These include the following:

- single, statewide governing board;
- single, statewide coordinating board/agency;
- one or more major, systemwide coordinating or governing board;
- administrative/service agency; or,
- no state higher education board or agency (for universities).

Additionally, local governing boards can have governing authority or line responsibility for one or both universities or community colleges (e.g., Mississippi's local governing boards for each of its community colleges).

Exhibit 6 on page 16 provides a brief description of these board types and lists states that use them.

³ *An Analysis of State Postsecondary Governance Structures*. Education Commission of the States. October, 2019.

Exhibit 6: Postsecondary Education Governance Boards and Agencies

Type of Board	Description
Single, Statewide Coordinating Board/Agency	Refers to states that have one overarching state-level board responsible for coordinating its postsecondary education system, including its universities and community colleges. Example States: Alabama, Arkansas, Louisiana, and Tennessee
Single, Statewide Governing Board/Agency	Refers to states that have one overarching state-level board responsible for governing its postsecondary education system. This model may have governing authority over both universities and community colleges, or governing authority over one and coordinating authority over the other. Example States: Kansas, Montana, and Nevada
One or More Major, Systemwide Coordinating or Governing Board	Refers to states that have at least one board with authority over a particular system, usually either universities or community colleges. Example States: Georgia, Kentucky, Mississippi, South Dakota, and Wisconsin
Administrative Service Agency	Refers to states that have either standalone or support functions inside an existing agency (e.g., the state's department of education) to support the state's universities and/or community colleges, but does not have a formal governing or coordinating board in which the agency supports. Example States: Florida, Iowa, New Hampshire, New York, and Pennsylvania
No State Higher Education Board or Agency (for universities)	Refers to states that have no state-level board or agency responsible for governing or coordinating its universities. Example States: Delaware, Michigan, New Jersey, and Wyoming

SOURCE: *An Analysis of State Postsecondary Governance Structures*. Education Commission of the States, 2019.

Exhibit 7 on page 17 lists common responsibilities of coordinating boards, governing boards, and postsecondary administrative and service agencies.

Exhibit 7: Responsibilities of Each Type of Postsecondary Governance Board

Responsibilities of both Coordinating and Governing Boards

- Advise and/or provide recommendations to state policy and education leaders;
- Approve or oversee interstate compacts and reciprocity agreements (e.g., tuition agreements);
- Approve institutional missions;
- Develop and/or administer academic policies, programs, and initiatives (e.g., admissions, transfer);
- Develop master/strategic plans for a state or system;
- Develop and/or oversee accountability or performance measures;
- Engage in statewide or systemwide policy planning;
- Recommend or approve establishing, merging, or closing institutions;
- Review existing academic programs; and,
- Review or approve facility and capital construction plans.

Responsibilities of Coordinating Boards

- Administer student financial aid and/or loans (Note: Primarily the responsibility of their affiliated agencies);
- License or approve/authorize specified institutions; and,
- Provide information and data services for the state, systems, and institutions.

Responsibilities of Governing Boards

- Approve or administer bonds;
- Approve presidential hiring and/or compensation;
- Approve or award degrees and credentials;
- Ensure system and institutional efficiencies;
- Govern systems and/or institutions;
- Monitor or evaluate system and institutional effectiveness;
- Promote or advocate for institutions; and,
- Set faculty and personnel policies.

Responsibilities Postsecondary Administrative/Service Agencies

- Advise or provide recommendations to state policy and education leaders;
- Approve or oversee interstate compacts and reciprocity agreements (e.g., tuition agreements);
- Conduct research and analysis;
- Develop and/or administer policies or programs (e.g., admissions, transfer);
- Engage in statewide or systemwide policy planning;
- License or approve/authorize specified institutions; and,
- Provide information and data services for the state/systems/institutions.

SOURCE: *An Analysis of State Postsecondary Governance Structures. A Policy Guide.* Mary Fulton, Education Commission of the States. October 2019.

Different Types of Postsecondary Governance in Southeastern States

While there are common models for postsecondary governance, each state has its own unique governance that is rooted in its goals, political context, culture, and history. PEER discusses and compares the postsecondary governance in Mississippi and seven other southeastern states.

PEER researched the postsecondary governance in Mississippi and seven other southeastern states. These seven states include:

- Mississippi;
- Alabama;
- Arkansas;
- Florida;
- Georgia;
- Kentucky;
- Louisiana; and,
- Tennessee.

Appendix A on page 50 provides a one-page summary of each state's governance. Appendix B on page 57 provides an illustration depicting each state's governance.

Mississippi

Mississippi's postsecondary governance consists of two boards: a system-level governing board that has oversight over the state's eight four-year universities (IHL Board) and a system-level coordinating board that coordinates the state's 15 community colleges (MCCB). Mississippi does not have a statewide coordinating board for public postsecondary education.

Each of the fifteen community colleges also has its own institutional-level board, while the universities do not have their own boards.

K-20 Governance

Only Arkansas and Florida have K-20 governance.

Mississippi, Alabama, Georgia, Louisiana, and Tennessee do not have K-20 governance. In Arkansas, the Secretary of Education oversees all of K-20 education. Florida's State Board of Education oversees its K-20 education, including 2-year community colleges (known as state colleges in Florida).

Higher Education Coordinating Board

Alabama, Arkansas, Louisiana, and Tennessee have higher education coordinating boards. Kentucky has a coordinating board but its staff falls under the Governor's jurisdiction.

Mississippi, Florida, and Georgia do not have higher education coordinating boards.

Alabama has a 12-member Commission on Higher Education, which is a statewide coordinating board for public postsecondary education. This Commission has oversight over the state's four-year universities and the Alabama Community College System.

Arkansas's 12-member Higher Education Coordinating Board functions as the statewide coordinating board for public postsecondary education for four-year and two-year institutions and oversees the Department of Education's Division of Higher Education's policies and programs.

Louisiana has a statewide, coordinating board, the Louisiana Board of Regents, for its public higher education system. The Board of Regents has 16 members. Separate governing boards oversee the Community and Technical College System, the University of Louisiana System, the Southern University and Agricultural and Mechanical College System, and the Louisiana State University Agricultural and Mechanical College System.

The Tennessee Higher Education Commission functions as the statewide coordinating board for postsecondary education and exercises limited authority over independent (i.e., private) institutions. The Commission has 14 members.

Kentucky's Council on Postsecondary Education functions as a coordinating board overseeing Kentucky's state universities and the Kentucky Community and Technical College System. The Council also licenses non-profit and for-profit higher education institutions to operate in Kentucky. Unlike in other states, the Council and its non-merit staff fall under the jurisdiction of the Governor.

Statewide University Board

Mississippi has a statewide university board. Florida and Georgia also have statewide university boards, but Georgia's encompasses both universities and community colleges.

Alabama, Arkansas, Kentucky, Louisiana, and Tennessee do not have statewide university boards. Like Mississippi, Florida and Georgia have statewide university boards.

The universities in Alabama, Arkansas, Kentucky, Louisiana, and Tennessee are governed by their own boards or university systems boards (i.e., boards that govern two or more universities or in the case of Arkansas, universities and community colleges).

The 17-member State University System of Florida Board of Governors governs Florida's 12 public four-year institutions. The System office administers programs and provides services for the institutions.

In Georgia, the University System of Georgia encompasses both public four-year universities and two-year state colleges (i.e., community colleges that also offer a limited number of

baccalaureate programs targeted to serve the economic development needs of their region). A 19-member Board of Regents oversees the public universities and state colleges that comprise the University System of Georgia.

Statewide Community College Board

Mississippi has a statewide community college board. Alabama, Florida, Georgia, Kentucky, Louisiana, and Tennessee all have some form of a statewide community college board.

Mississippi has a statewide community college board; additionally, each community college has its own local governing board.

Alabama's Community College System Board of Trustees is a 10-member Board that oversees governance of community and technical colleges.

The Florida State Board of Education serves as the governing board for Florida's public two-year community colleges (known as state colleges in Florida), as part of Florida's K-20 governance. Its community colleges also have local governing boards.

In Georgia, the 23-member State Board of the Technical College System of Georgia governs Georgia's 22 two-year technical institutions.

The Kentucky Community and Technical College Board of Regents governs Kentucky's 16 two-year community and technical colleges. This includes the centralization of certain community college services and operations including student financial aid, payroll, technology services, human resources, and legal counsel.

The Louisiana Community and Technical College System governs Louisiana's seven community colleges and five community technical colleges.

The 19-member (17 voting members) Tennessee Board of Regents governs Tennessee's 13 community colleges and 27 technical colleges, none of which have local governing or advisory boards. The state's 27 technical colleges are primarily focused on workforce development, including professional skills and technical training.

Arkansas does not have a statewide community college board. Its community colleges are governed by local boards or fall under the governance of one of three university boards (e.g., Arkansas State University Board of Trustees).

Causes and Reasons for Restructuring

Several potential problems could prompt an effort to restructure a state's postsecondary governance. Such efforts have also been led by new administrations or leadership seeking to improve its governance and/or refocus its purpose.

In 2002, the Education Commission of the States identified several issues that have the potential to cause postsecondary governance

restructuring. Generally, these issues do not arise overnight, but instead “tend to be long-standing problems that may fester for years.”

- *Concerns about one or more institutions with ill-defined or overlapping missions* - Postsecondary governance restructuring may result as an attempt to address concerns over a lack of clear direction (either at the institution or coordinating board level), the growth of overlapping institutional programs, and the perceived inability of institutions to differentiate themselves.
- *Concerns about local/regional access to high-cost graduate and professional programs* - Postsecondary governance restructuring may result as an attempt to address concerns over expansion or proliferation of university and community college programs or campuses, and the perceived ability of applicable governing or coordinating bodies to plan, manage, and control.
- *Barriers to Student Transfer* - Postsecondary governance restructuring may result as an attempt to address concerns from academia, students, and parents over issues pertaining to inconsistent transfer requirements. In an effort to fix this kind of issue, Connecticut is attempting to merge its community colleges into one unified entity with the same transfer system and administrative operations.
- *Concerns about Rising Costs* - Rising costs may not on their own trigger a move to restructure, but could be combined with concerns about declining enrollment, reduction in state funding, and/or a change in the state’s demographics that could impact future growth of the higher education system, or of a particular university or community college. For example, Kentucky consolidated the back-office support operations (administration, human resources, IT support) of its community colleges under a central system.
- *Change in State Leadership* - Newly elected leaders/administrations have led successful (e.g., Arkansas, Tennessee) and unsuccessful (e.g., North Dakota, West Virginia) efforts to restructure their state’s postsecondary governance.

Recent State Efforts to Alter their Postsecondary Governance

The Education Commission of the States reported that seven states have made changes to their postsecondary governance since 2016, including Arkansas, California, Connecticut, Rhode Island, Tennessee, Wisconsin, and West Virginia. North Dakota attempted changes, but North Dakota voters rejected a constitutional amendment 72.5% to 27.5% that would have altered board size, member term length, and membership requirements.

The Education Commission of the States, through its *Ed Note* blog, reported on recent legislative and/or gubernatorial efforts, both successful and unsuccessful, to alter postsecondary governance. Since 2016, seven states have made changes to their postsecondary governance including Arkansas, California, Connecticut, Rhode

Island, Tennessee, Wisconsin, and West Virginia. The Education Commission of the States, in 2019, reported that North Dakota did not reconstruct its postsecondary governance despite efforts by a governor's task force and lawmakers.

PEER discusses each state's efforts to alter or modify its postsecondary governance.

Arkansas

Arkansas merged its K-12 department, higher education department, and other offices under one Cabinet Secretary. However, the Arkansas Higher Education Coordinating Board appoints the higher education division director with confirmation from the governor, and oversees the division's policies and programs. These efforts were part of the Governor's larger-scale efforts to "transform and streamline Arkansas state government."

In 2019, Arkansas passed H.B. 1763, which merged its K-12 department, higher education department, and other offices into one agency. H.B. 1763 created a new secretary of education, appointed by the governor and confirmed by the Senate, to oversee the agency. These efforts were part of the Governor's larger-scale efforts to "*transform and streamline Arkansas state government.*" Under H.B. 1763, the former separate department of higher education is now a division within the agency, and its director reports to the secretary. However, the Arkansas Higher Education Coordinating Board will continue to appoint the director, with confirmation from the governor, and oversee the division's policies and programs.

Earlier, in 2017, the Arkansas Governor signed into law Act 148 of 2017, the new Higher Education Productivity Funding Formula for Arkansas's colleges and universities. The new formula funds institutions based upon student progress rather than student enrollment. For example, universities may receive more funding by awarding more credentials compared to the prior four-year period; having more students hit major progression points, such as 15 credit hours or 30 credit hours; and percentage of students passing certain gateway courses.

California

In 2019, the Governor of California established the Governor's Council for Post-Secondary Education to examine common issues related to the state's universities and community colleges. Legislative efforts to resurrect a statewide coordinating board later the same year were vetoed.

In 2011, California defunded the California Postsecondary Education, resulting in its closure; attempts to revive the state-level agency between 2011 and 2019 failed or were vetoed. On August 9, 2019, the Governor of California established the Governor's Council for Post-Secondary Education to address concerns about "university and community college systems in the state operating in silos." The Council:

...will examine issues relating to future capacity, enrollment planning, community college transfers, general education and coordination at the state and regional levels, and make recommendations to the Governor for action.

The Governor vetoed legislative efforts later in 2019 to resurrect a statewide coordinating board as an independent state agency tasked with statewide postsecondary education oversight, coordination, and planning.

Connecticut

Connecticut consolidated its 12 community colleges into one accredited institution to create a more cost-efficient system and streamline enrollment and transfer criteria. This follows a 2011 restructuring that eliminated the state's coordinating board and placed all Connecticut higher education institutions (except the UCONN system) under a single Board of Regents.

In 2011, a budget bill eliminated Connecticut's statewide coordinating agency and consolidated the state universities, community colleges, and an online college under a single board of regents.

In 2017, the Connecticut Board of Regents for Higher Education's president proposed consolidating Connecticut's 12 community colleges into one accredited institution under the Students First initiative.

The goal is to create a more cost-efficient system by consolidating and/or streamlining financial operations, back-office operations, the process for students to enroll and complete degrees, and the process of transferring to four-year institutions. This would include developing a more standardized transfer system for community colleges transferring credit to four-year institutions. The New England Commission of Higher Education (the regional accrediting body) approved the plan to merge Connecticut's community colleges into one accredited college on March 8, 2022.

The University of Connecticut remains a separate, independent system.

North Dakota

Efforts to modify North Dakota's postsecondary governance in 2018 and 2019 failed. The Governor's task force effort in 2018 failed to pass the North Dakota House. In 2019, the North Dakota General Assembly adopted North Dakota Senate Concurrent Resolution 4016, but it necessitated voter approval and was rejected by voters 72.5% to 27.5%.

Like Mississippi, part of North Dakota's postsecondary governance is codified in its state constitution. In 2018, North Dakota's governor formed a task force to explore alternatives to North Dakota's single, statewide governing board for postsecondary education with a goal of creating a more flexible and responsive system. The task force recommended a three-board model with one

board governing the nine regional institutions and community colleges and separate governing boards overseeing the two research universities. In response, North Dakota lawmakers introduced H.B. 1500, which would have established a single board for the universities and one for the other institutions. However, the bill died in the House.

In 2019, the North Dakota General Assembly adopted North Dakota Senate Concurrent Resolution 4016, which would have increased the number of board members; increased member terms from four years to six years; required the board meet at least once per year with the directors of each institution the board oversees; excluded state officials, legislators, and state employees from board positions; and prohibited employees of an institution under control of the board from being members of the board for two years following their employment. Additionally, the board's student member would have been appointed by the governor from names recommended by the North Dakota Student Association.

Because the changes required amending the constitution, North Dakota residents had to vote for them. In 2020, voters defeated the constitutional amendment 72.5% to 27.5%.

Rhode Island

In 2019, Rhode Island decentralized parts of its postsecondary governance by removing the University of Rhode Island from under the control of the state-level board and establishing a separate board of trustees for the University of Rhode Island. This was in part done to enable the university to be more “strategic, nimble, and innovative” to better compete in the marketplace.

In 2019, Rhode Island General Assembly enacted H.B. 5151 to remove the University of Rhode Island from the governing authority of the Council on Postsecondary Education and state board of education, and created a board of trustees for the institution, officially separating the university from the state's P-20 governance system.⁴ In H.B. 5151, the Rhode Island General Assembly identified the following reasons for such changes:

- the region's shrinking and shifting demographics as it relates to high school graduates;
- the increased competitiveness of the higher education marketplace;
- the need for the university “to be strategic, nimble and innovative in its recruitment, financial aid, and academic offerings in order to be successful;” and,
- the benefit of having an institutional-level board focused only on the University of Rhode Island.

⁴ Rhode Island's Board of Education serves as a coordinating board with certain governing responsibilities for all public education, preschool through graduate school (P-20) and its authority pertains primarily to broader P-20 issues.

The Council on Postsecondary Education continues to govern Rhode Island College and the Community College of Rhode Island.

Tennessee

Between 2016 and 2018, Tennessee enacted several changes to its postsecondary governance. These include expanding the responsibilities of the state's postsecondary coordinating board, revising the governance of University of Tennessee (UT) system, and permitting its six public four-year state universities not part of the UT system to be independent with their own boards of trustees.

In 2016, Tennessee enacted Public Chapter 869, which allowed six state universities to break ties with the Tennessee Board of Regents and establish their own boards of trustees. The Tennessee Board of Regents continues to govern 13 community colleges and 27 applied technical colleges, which do not have individual boards. In part, the restructuring was pushed by some state universities that wanted more autonomy to direct their own course. According to the Education Commission of the States, the Tennessee governor noted that the reorganization allows the Tennessee Board of Regents, through the community and technical colleges, to zero in on meeting Tennessee's workforce demands and attainment goal. Public Chapter 869 also expanded certain responsibilities of the Tennessee Higher Education Commission to coordinate policies and programs across the state.

In 2018, Tennessee lawmakers enacted H.B. 2115, also referred to as the University of Tennessee (UT) Focusing on Campus and University Success (FOCUS) Act. H.B. 2115 reduced the UT's governing board from 26 to 11 members, reconstituted its membership, revised the Board's powers and created advisory boards for each of its four campuses. Another bill, H.B. 1198, shifted the appointment of the executive director of Tennessee's Higher Education Commission from the governor back to the coordinating board, which had this authority until 2012.

Wisconsin

Prompted by declining enrollment and funding at its 13 two-year colleges, the University of Wisconsin System merged each of its two-year colleges with one of its four-year institutions.

Prompted by declining enrollment and funding at the 13 two-year colleges, in 2017, the University of Wisconsin System's (UW System) president announced a plan to merge these campuses with the 13 four-year institutions. Generally, it paired each of its thirteen community colleges with one of Wisconsin's seven regional universities. The restructuring plan had five objectives:

- Maintain and expand access to higher education by offering more general education and upper-level courses at the integrated branch campuses;
- Reduce barriers to transferring credits within the UW System;

- Maintain affordability by continuing current tuition levels at the branch campuses post-merger for general education courses;
- Further standardize and regionalize administrative operations and services to more efficiently use resources; and,
- Leverage resources and shared talent at institutions to get more students into and through the educational pipeline, better aligning the university to meet Wisconsin's projected workforce needs.

The UW System's restructuring plan received approval from its accreditation agency in June 2018.

West Virginia

Efforts to alter West Virginia's postsecondary governance have been mixed. Efforts to exempt West Virginia's three largest universities from Higher Education Policy Commission and reduce certain mandates on the Commission succeeded. However, both governor-led efforts and legislative efforts to significantly restructure West Virginia's postsecondary governance failed.

In 2017, West Virginia enacted H.B. 2815, which transferred the rulemaking authority of the Higher Education Policy Commission as it pertains to the governing boards of three exempted universities. The three exempted universities include West Virginia University,⁵ Marshall University, and the West Virginia School of Osteopathic Medicine. Each of the governing boards of the exempted schools has the power and the obligation to perform functions, tasks, and duties as prescribed by law. While the legislation diminished the Commission's authority regarding the three exempted institutions, the Commission continues to serve a coordinating role with West Virginia's other four-year institutions and collaborate with the Council for Community and Technical College Education.

In 2018, the governor-established Blue Ribbon Commission attempted to examine the state's higher education governance's organization. Despite a final report being due at the end of 2018, the Commission dissolved with only a handful of recommendations, including a short-term funding model. A 2019 bill to eliminate the Higher Education Policy Commission, which oversees West Virginia universities and community and technical colleges, died in committee. However, the Legislature repealed a requirement for the Higher Education Policy Commission to produce a higher education master plan.

⁵ Including West Virginia University Potomac State College and West Virginia University Institute of Technology.

Things to Consider Prior to Restructuring Mississippi's Postsecondary Governance

This chapter includes a discussion of the:

- issues for decision-makers to consider when considering restructuring the state's postsecondary governance system;
- considerations for restructuring Mississippi's postsecondary governance structure; and,
- identifying the approach to utilize for Mississippi's postsecondary governance structure.

Issues for Decision-makers to Consider when Considering Restructuring the State's Postsecondary Governance

Limited information exists regarding best practices on reorganizing postsecondary governance. Governance experts often suggest leaders identify clear goals and objectives for reorganizing governance, determine perceived and actual problems with the existing governance, and examine options for reorganizing the governance or addressing issues while remaining within the existing governance.

Given the different types of governance and various reasons for pursuing reform, limited information exists regarding best practices for reorganizing postsecondary governance. Postsecondary governance experts have offered some guidelines for leaders exploring reforms.

The Education Commission of the States' policy guide offers several considerations for leaders as they examine their postsecondary governance.

Focus on the Ends, Not the Means

Leaders should identify clear goals, objectives, a sense of purpose, and a general direction before reorganizing governance systems.

Leaders should identify goals, objectives, a sense of purpose, and a general direction before reorganizing governance. Leaders' and stakeholders' goals for universities and community colleges and the role governance plays in achieving those goals should be clear. Different leaders and stakeholders may all envision differing roles for the governing.

Reorganization should be viewed as an option to achieve a goal, not an end in itself. Leaders may find it beneficial to facilitate discussions based on solid information about the state's demographic, economic, and education trends.

Identify and Articulate the Core Issues the State is Trying to Address

Leaders should identify the specific problems that are the catalyst for the reorganization proposal.

Leaders should clearly identify, articulate, and gain consensus on the core problems that need to be addressed and determine whether they are related to governance or other issues. Leaders may benefit from asking the following questions:

1. Does the division of authority and responsibility in postsecondary governance support policymakers' ability to pursue the state's education goals?
2. What are the assets of the state's postsecondary governance that help move important policy decisions forward? Are there features that hinder decision-making?
3. Is the issue to be addressed one of personnel or one of structure?
4. How can state and education leaders work within the existing postsecondary governance to advance policies that improve student outcomes?

Leaders should identify the catalyst for interest in changing the postsecondary governance and the goals in pursuing the change. Potential catalysts could include concerns related to the effectiveness of the current governance, industry concerns regarding labor, or financial concerns regarding the cost of higher education.

Examine Options for Working Within Existing Governance

Leaders should consider working with the existing postsecondary governance before significantly altering it. No firm evidence exists proving that one particular form of governance is better than another.

If core problems are related to the governance, leaders can either attempt to work within the existing governance to solve the problems or reform the governance. This could include working with the IHL Board of Trustees and/or MCCB on the respective roles of each board, board communication with the legislature and other pertinent entities, and board policies as it relates to universities and community colleges.

In 2018, the Association of Governing Boards recommended "exploring less disruptive options that might achieve desired goals." It can be difficult to alter a state's postsecondary governance, especially if changes require a constitutional amendment to amend the university governance (e.g., Mississippi). There is no firm evidence proving that one particular type of governance is better than another. The Education Commission of the States emphasizes that effective implementation of whatever governance a state has opted to utilize is more important than the construction itself.

Leaders should examine how working within the existing governance could address core problems. Leaders might consider the following questions:

1. Would it be beneficial to review and revise existing roles and authorities of agencies and boards?

2. Would stronger coordination across agencies, boards, and institutions help resolve identified issues?
3. Are there strategies or policies other than restructuring the existing governance that leaders could adopt to address issues and achieve common goals?

Some questions that may help guide the decision-making process when exploring efforts to reorganize the governance include:

1. What are the various options for restructuring governance?
2. Are there any components of postsecondary governance in other states that might strengthen leaders' efforts to achieve state objectives?
3. What are the short- and long-term implications, trade-offs, and costs of the options?
4. What data is needed to evaluate options and implications?

Considerations for Restructuring Mississippi's Postsecondary Governance

Because no standard for best practices exists and no existing evidence proves one model to be better than another, PEER identified potential approaches for restructuring the state's postsecondary governance. Leaders should consider working with the existing postsecondary governance before significantly altering it.

If the state were to consider restructuring its postsecondary governance, there are a number of variables and unknowns that must be taken into account. This is in part because there are a number of different potential postsecondary governance models in existence, and in part because no preferred models or approaches were identified for PEER to study.

Because no standard for best practices exists and no existing evidence proves one model to be better than another, PEER identified several potential approaches for restructuring the state's postsecondary governance. In doing so, PEER considered the following:

- Mississippi has a governing board for its universities and a coordinating board for its community colleges.
- The IHL Board of Trustees serves as the governing and regulatory body for the state's eight public universities. Though it would require a constitutional amendment to amend the state's IHL Board of Trustees, Board policy could be amended to provide universities more autonomy without establishing institutional boards.
- Established by statute in 1986, the MCCB serves as the coordinating body for the state's 15 community colleges. Altering MCCB's governance could be done by amending the statute.
- To change the state's postsecondary governance, the state would need to take into account the regulatory and support functions currently conducted by the IHL Board of Trustees through the IHL Central Office and by MCCB.

- While there are common models for postsecondary governance, no two states have the same underlying structure, and there are no recommendations for one model over another. If a state does consider changing models, it is recommended to pursue limited change before significantly altering the state's postsecondary governance.
- Generally, universities either operate under a university board,⁶ university system board,⁷ statewide university governing or coordinating board, or a combination of a university board and a statewide postsecondary coordinating/governing board.
- Most university-related governance models include a coordinating or governing board that oversees university boards, as well as either a community college board or a combination of university boards or systems that may include community colleges.

Leaders should consider working with the existing postsecondary governance before significantly altering it.

Identifying the Approach to Utilize for Mississippi's Postsecondary Governance

State leaders could take multiple approaches to amend the current postsecondary governance model. Most models to alter Mississippi's university governance would require a constitutional amendment, and most models to alter Mississippi's community college governance would at least require a statutory amendment.

State leaders could take multiple approaches to amend the current postsecondary governance. Examples range from adding university governing boards to adding an overarching coordinating board targeted at achieving specific goals. However, to operate in a manner similar to one of Mississippi's four neighboring states would require a complete restructuring of the current postsecondary governance.

While changes to the governance of institutions currently managed and controlled by the IHL Board of Trustees could be implemented, the constitutional mandate of Section 213A giving the IHL Board the exclusive authority to manage and control these institutions would likely have to be amended for any change to be legal.

⁶ University of Central Arkansas has its own Board.

⁷ University of Arkansas at Little Rock and University of Arkansas at Pine Bluff both operate under the University of Arkansas system.

Does Mississippi Want to Create Some Type of Overarching/Unifying Postsecondary Governance?

This approach has the potential to improve the functionality of the existing postsecondary governance, particularly regarding system performance, efficiency, and achievement of statewide goals. This could involve adding an overarching coordinating body for community colleges and universities or merging the functions of the IHL Board of Trustees and MCCB into one entity.

Currently, Mississippi operates with a siloed governance for postsecondary education: one system for universities, one system for community colleges, and one system for K-12. To better coordinate its postsecondary governance entities, Mississippi could consider establishing an overarching or unifying postsecondary. This has been done a number of different ways, and generally only includes universities and community colleges, although some states expand their postsecondary governance to include K-12.

Overarching coordinating boards are generally implemented to achieve state goals. For example, an overarching coordinating body might be focused on improving:

- educational performance (e.g., entrance standards, degree attainment, graduation rates, timely graduation);
- workforce development/readiness and STEM programs;
- development of strategies to retain university graduates in Mississippi rather than leaving the state;
- efficiencies in university postsecondary governance (e.g., reducing duplicate mission/academic programs);
- the state's research capability; and,
- college affordability, of which one part includes system-wide and institution-wide efforts to contain costs.

Examples include:

- **Adding an overarching coordinating board for universities and community colleges:** Twenty states, including all four of Mississippi's neighboring states, have a single statewide coordinating board for postsecondary education. Postsecondary governance boards across the country generally range in size from nine members to as many as 25 members. Overarching coordinating bodies generally coordinate universities and community colleges. Beneath coordinating boards are usually governing entities (e.g., institutional university boards, centralized community college governing boards, or local community college governing boards).

However, states differ as to the powers of the overarching coordinating boards; some have limited governing powers over universities and community colleges. The degree of governing authority over universities and/or community colleges varies. If the state does not have a separate staffing entity such as a central community college governing board or central university governing board, this entity may take

on some of the staffing and administrative functions currently housed within IHL and MCCB. However, regulatory roles will differ depending on the degree to which such regulations exist and if such authority is centralized/decentralized.

- **Creating one governing board for universities and community colleges:** Nevada established one governing board for its universities and community colleges. If Mississippi followed the same approach, it would require merging the functions of the IHL Board of Trustees and MCCB under the same board and combining the staff. Since Nevada's Board of Regents governs both its universities and community colleges, its community colleges do not have local governing boards. If Mississippi considered following such an approach, it would have to resolve the constitutional issues with altering the university governance as well as whatever legal and local hurdles there would be with altering or eliminating the local community college governing board.
- **Creating one governing board for universities with coordinating responsibilities for other public institutions:** The Kansas Board of Regents is considered a single, statewide governing board similar to Nevada, except it only governs the state's six universities. Unlike Nevada, the Kansas Board of Regents functions as the statewide coordinating board for the state's 26 other public higher education institutions (one municipal university, nineteen community colleges, and six technical colleges) with each of the 26 having its own local governing board. In addition, the Board administers the state's student financial aid, adult education, high school equivalency, and career and technical education programs as well as authorizes private proprietary schools and out-of-state institutions.
- **Including K-12 as part of the postsecondary governance:** New York has two postsecondary governance systems that include K-12, universities, and community colleges: one for New York City, and one for the remainder of the State of New York. Arkansas does not include K-12 as part of its coordinating board for community colleges and universities. However, the Arkansas Division of Higher Education (the staff for the coordinating board) is a division of the Arkansas Department of Education. Additionally, Arkansas's cabinet includes a governor-appointed Secretary of Education responsible for overseeing K-12, community colleges, and universities.

Following one of these approaches could offer the potential to reassess the function of the university and community college system from a unified statewide perspective and the opportunity to redirect and realign postsecondary education toward achieving targeted statewide policy goals. However, this perspective would come at a loss of some functional authority for IHL and MCCB, in

lieu of that authority being provided to the overarching coordinating or governing board or similar type entity.

Which Approach Does Mississippi Want to Utilize to Govern Its Universities?

Universities either (a) have their own institutional governing boards or fall under a multiple university system that has its own board; (b) fall under a central governing board for universities only (Mississippi's current model); or, (c) fall under an overarching governing/coordinating board with some level of authority for universities (see previous Nevada and Kansas examples).

Currently, Mississippi operates with the IHL Board of Trustees governing Mississippi's eight public universities, with some authority delegated by the board via the Board's *Policies and Bylaws* to the universities' executive officers (e.g., president or chancellor).

In deciding which approach to governance to take, the state needs to answer several questions:

- With whom does the state want authority for the universities to reside?
- To what extent does the state want to maintain the level of central governing authority that currently resides with the IHL Board of Trustees?
- Does the state want more centralized control over universities or more authority delegated to the universities?

To aid in the decision-making process, state leaders could consider reviewing IHL's functions to determine what, if any, functions could be moved to the institutional level, and what, if any, need to continue.

Examples of different approaches utilized to govern universities include:

- **Retaining the IHL Board of Trustees governing model:** Mississippi's public universities are currently governed by a central governing body. South Dakota, Georgia, and Wisconsin follow models similar to Mississippi. The primary difference is Georgia and Wisconsin both have their community colleges fall under the university system, while they have separate boards overseeing their technical colleges (primarily targeting adult education programs and training).

Georgia and Wisconsin are both able to manage and coordinate university and community college functions, whereas Mississippi's community colleges and universities largely operate independently of each other. For example, Wisconsin placed each of its community colleges under the administration of its public universities as part of a way to control administrative operating costs.

- **Establishing institutional boards for each university:** Mississippi currently does not have any universities with

their own institutional governing board, or any universities that fall under a university system (e.g., University of Alabama, UA-Huntsville, UA-Birmingham). The closest example of a university system in Mississippi is the relationship between UMMC and the University of Mississippi.

If Mississippi were to consider this approach, state leaders would have to determine:

1. What authority would be delegated to institutional governing boards, and what governing authority would remain with some central entity, be it IHL or an alternate entity? Particularly, would boards have regulatory oversight authority, programmatic approval authority, or budget approval authority?
2. Would each university be given its own university governing board? If some universities were not given their own governing board, state leaders would have to determine governing authority for those universities (i.e., Would authority remain with IHL in some form, be assigned to a higher-level coordinating body, or transferred to a system created for those universities?). Mississippi could consider following models in West Virginia and Louisiana where some of the state's universities have their own boards, while the remaining universities are under a university system (e.g., University of Louisiana System).⁸
3. If the state were to theoretically create institutional governing boards for all eight institutions, state leaders would have to determine the future role of IHL and its staff. This includes previously discussed state functions currently tied to IHL (e.g., Office of Student Aid, Mississippi Volunteer Commission, Office of State Economist, MARIS).

Establishing institutional boards offers a couple of opportunities, including the potential to develop university boards focused on the long-term vision, goals, and performance of their applicable institution, and the opportunity to re-establish a local feedback loop including students, faculty, industry, and other stakeholders. This could help ensure the university effectively and efficiently serves its purpose to the state and its stakeholders. However, establishing institutional boards may also have drawbacks including, but not limited to, a decrease in regulatory control and attempts by the new board to delve into issues IHL generally does not (e.g., athletics).

⁸ Louisiana has the University of Louisiana System for its nine universities not under the LSU or Southern University systems.

Which Approach Does Mississippi Want to Utilize to Govern Its Community Colleges?

Community colleges in Mississippi have their own local governing boards that fall under MCCB. In other states, community colleges that do not have local governing boards fall under a community college governing board. Other community colleges fall under a statewide board with authority over universities and community colleges.

Currently, Mississippi operates with MCCB coordinating Mississippi's fifteen community colleges. Each of Mississippi's community colleges also dually functions as a vocational/technical college and has its own local governing board.

In deciding which approach governance should take, the state needs to answer several questions:

- With whom does the state want authority for community colleges to reside?
- What is the benefit of having and retaining local community college governing boards?
- Are there any issues with the existing community college governance?
- Are community colleges achieving the results state leaders, community leaders, economic development leaders, and workforce development leaders want?
- To what extent does the state want to maintain the current decentralized community college governance?
- Is the state interested in obtaining more centralized control over community colleges, either as a means of containing costs; streamlining operations; or improving coordination between K-12, universities, and community colleges?

Examples of different approaches utilized to govern community colleges include:

- **Retaining the current MCCB coordinating board model:** Each of Mississippi's community colleges has a local governing board. South Dakota follows the same model as Mississippi. Some of Arkansas's community colleges are governed by local boards; the remaining colleges are under the governance of one of three different university system boards. Local governing boards oversee Oklahoma's community colleges, but they do not fall under any state coordinating board.
- **Increasing MCCB's authority to governing board, and eliminating the local community college boards or converting to advisory boards with limited authority:** For example, Virginia's State Board for Community Colleges governs the system's two-year institutions, which do not have individual governing boards. Alabama, Louisiana, and Tennessee have similar models. Kentucky has local advisory boards, but not local governing boards for its community and technical colleges. States have centralized community

college governance to address common issues among community colleges (e.g., control or reduce costs of back-office operations; establish standardized admission and transfer requirements), although their methods and extent to which they have done so have varied. Kentucky's recent efforts focused on consolidating back-office operations, while Connecticut and Indiana both consolidated their community colleges into one single-accredited state community college with multiple campuses.

- **Following a K-16 model for K-12 and public two-year community colleges:** This approach would revert the governance of the community college system back to the Department of Education, where it was until the creation of present-day MCCB in 1986. In Florida, the Florida State Board of Education serves as the governing board for Florida's public two-year community colleges (known as state colleges in Florida), as part of Florida's K-16 governance. The Department of Education's Division of Florida Colleges serves in an administrative capacity for the Florida College System with responsibilities for academic programs, data and reporting, and financial policy. Florida's College System consists of the state (community) colleges, which are governed by local institutional boards and state statute. Governed locally by district boards of trustees, the colleges are under the jurisdiction of the State Board of Education. Administratively, the Chancellor of the Florida College System reports to the Commissioner of Education who serves as the chief executive officer of the Department of Education. Florida's Commissioner of Education appoints the system chancellor.

Generally, in determining if to centralize governance of MCCB, state leaders would have to balance the potential benefits of gaining centralizing governance with the loss of localized governance and any ill effects such might have. Given the current governance of community colleges is specified in statute and MCCB board policy, state leaders could consider taking the approach of making targeted statutory changes to the governing authority of MCCB without altering the existing governance.

Overview of UMMC's Governance and Potential Options for Restructuring

This chapter includes a discussion of:

- UMMC's current governance;
- types of academic health center governance;
- issues to consider prior to restructuring UMMC's governance; and,
- identify the approach to utilize for UMMC's governance.

UMMC's Current Governance

MISS. CODE ANN. § 37-115-25 (1972) authorizes the creation of the UMMC, establishing it as a department of the University of Mississippi. UMMC operates as a fully integrated department of the University of Mississippi, though there are specific exceptions where oversight falls to IHL.

The IHL Board of Trustees, the University of Mississippi (UM) Chancellor, and the Vice Chancellor for Health Affairs are collectively responsible for the operation and management of UMMC. However, unlike most departments at UM, UMMC has some unique areas of autonomy, and in some cases answers directly to IHL.

Formation of Present-Day UMMC

In 1955, the state relocated University Medical School to Jackson, renamed it UMMC, and started a four-year medical school and teaching hospital. Since then, UMMC has significantly expanded its medical school, research, and clinical components.

UM has had medical education opportunities dating back as far as 1903, when a two-year medical school program started on the Oxford campus. At that time, graduates of the medical school program would have to complete their clinical coursework and training at out-of-state programs to receive their doctor of medicine degrees. In 1950, the Legislature authorized the construction of the University Medical Center, known today as UMMC, and the creation of a four-year medical school program in Jackson. It officially opened in 1955.

UMMC started as a four-year medical school and teaching hospital for medical and graduate students. Since then, UMMC has added several academic programs including:

- the Department of Nursing (added in 1956; later became the School of Nursing in 1958);
- the School of Health-Related Professions (added in 1971);
- the School of Dentistry (added in 1975); and,

- the School of Population Health (added in 2016).

Additionally, UMMC's clinical operations have grown from the initial teaching hospital (i.e., University Hospital) to include the Children's of Mississippi Hospital, the Winfred L. Wiser Hospital for Women and Infants, the Wallace R. Conerly Critical Care Hospital, community hospitals UMMC Holmes County and UMMC Grenada, and the UMMC Cancer Institute. It also includes more than 30 clinics under the umbrella of University Physicians and UMMC Telehealth, with a self-reported 200 plus sites statewide.

Given the shift in UMMC's operations since its initial formation in 1955 and the shift in the external environment in which UMMC operates, one may find it reasonable to reevaluate UMMC's governance.

Role of the University of Mississippi

UMMC is considered a political subset of the University of Mississippi. However, while the UM Chancellor has the authority to hire the Vice Chancellor, the UM Chancellor delegates all day-to-day management and control to the Vice Chancellor for Health Affairs.

MISS. CODE ANN. § 37-115-21 through § 37-115-33 (1972) establishes the medical school as a department of UM and authorizes the building and operation of UMMC as part of the fully accredited medical school. This relationship gives the UM Chancellor ultimate responsibility for oversight of UMMC, including the authority to hire the Vice Chancellor for Health Affairs.

The UM Chancellor has the authority to hire the Vice Chancellor, and delegates all day-to-day management and control to the Vice Chancellor for Health Affairs. The UMMC Vice Chancellor officially oversees the UMMC medical school, research operations, and clinical operations.

The Vice Chancellor of Health Affairs serves as the CEO of UMMC's clinical enterprise and the Dean of the School of Medicine.⁹ The Vice Chancellor for Health Affairs is responsible for the overall strategic direction of UMMC, the implementation of IHL Board of Trustees policies, and academic and administrative operations of UMMC's six health professional schools and clinical enterprise.

Role of the IHL Board of Trustees

Because the IHL Board of Trustees serves as the governing body of the state's institutions of higher learning, including the functions of UMMC, UMMC must seek the IHL Board of Trustees's approval for items such as new academic programs, procurements exceeding \$250,000, and capital outlay projects exceeding \$1,000,000 (regardless of funding source).

As discussed on page 7, the IHL Board of Trustees serves as the governing body of the state's eight institutions of higher learning,

⁹ *Analysis of Governance Models for Academic Health Centers*. Veralon, Inc., and The Center for Mississippi Health Policy, page 5 (2015).

including UMMC, which falls under UM. Its oversight may include, but is not limited to, items such as academic programs, procurements, and capital outlay projects. For example, the IHL Board of Trustees must approve:

- any and all contracts where the aggregate total expenditure exceeds \$250,000 or the contract period exceeds four years;¹⁰ and,
- all capital outlay projects, regardless of funding source, that exceed \$1,000,000.¹¹

The IHL Board of Trustees's standing committee for Health Affairs addresses areas including UMMC strategic initiatives, UMMC projects, and UMMC's financial health.

Accreditation of UMMC Programs and Hospitals

UMMC's hospital is accredited by the Joint Commission, while UMMC academic programs are accredited as a whole by the Southern Association of Colleges and Schools Commission on Colleges and, as applicable, by accrediting bodies particular to the academic program/profession (e.g., the Commission on Dental Accreditation).

Both UMMC's academic programs and hospitals are accredited independently from operations at the University of Mississippi.

UMMC'S hospitals are accredited by the Joint Commission, an independent, not-for-profit organization based in Illinois. According to the Joint Commission's website, accreditation is a three-year award, except for laboratory accreditation, which is a two-year award.

UMMC's academic programs are accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award bachelor's, master's, and doctoral degrees. SACSCOC accreditation applies to the entire UMMC campus. UMMC is up for reaffirmation of accreditation in 2022 and again in 2032. UMMC academic programs with specialized accreditation are accredited by separate agencies. For example, the Commission on Dental Accreditation is the accrediting body for UMMC's Doctor of Dental Medicine and Bachelor of Science in Dental Hygiene, and the Commission on Collegiate Nursing Education accredits UMMC's nursing programs.

Types of Academic Health Center Governance

In its review of UMMC's governance and that of other public academic health centers Veralon, Inc., found that the majority of state-based public universities with a medical school and associated academic health center are not governed directly by the state. This is in contrast to the University of Mississippi and UMMC, which are governed by the state-level IHL Board of Trustees.

In this section, PEER discusses and compares four types of academic health center (AHC) governance. PEER utilized resources

¹⁰ Section 707.01 of the IHL Board of Trustees *Policies and Bylaws*.

¹¹ Section 902 of the IHL Board of Trustees *Policies and Bylaws*.

from Veralon, Inc., the Center for Mississippi Health Policy, and the Association of American Medical Colleges to describe the types of AHC governance.

An AHC is composed of all of the health-related components of a university, including health profession schools, patient care, and research. In order to be considered an AHC, it must consist of a medical school, one or more health profession programs or schools (e.g., dentistry, pharmacy, nursing), and one or more teaching hospitals or health systems either owned by or affiliated with the university.

There is no uniform method for handling the unique relationship between an AHC, a university, and any state-level board providing oversight to such entities. There are several different models for AHC governance, with a variety of different structures with varying levels of authority, oversight, and financial independence.

Veralon, Inc., identified the following four primary types of AHC governance:

- **Direct state/university authority with a university-owned clinical enterprise:** The medical school and clinical oversight are owned and operated by the state. They are overseen directly by either a state governing board, or the university board of the public institution of higher learning. The clinical enterprise (CE) is a fully integrated facet of the medical school that is also owned and operated by the state.
- **Direct state/university authority with a separate clinical enterprise:** The medical school falls under direct oversight of a state or university board; the CE does not. The CE would instead be owned by a not-for-profit organization that has an independent board that partners with the medical school to provide research, educational and practical learning opportunities for students, and healthcare for patients. The corporation can be privately or publicly owned and varies by state.
- **Indirect state/university authority with a university-owned clinical enterprise:** A local board for the medical school or AHC is delegated significant authority and autonomy from the state or university board, but the CE is still owned by the university.
- **Indirect state/university authority with a separate clinical enterprise:** A local board for the medical school or AHC is delegated significant authority and autonomy from the state or university board, and the CE is not owned by the university. The CE would instead be owned by a not-for-profit organization that has an independent board, and partners with the medical school to provide research, educational and practical learning opportunities for students, and healthcare for patients. The corporation can be privately or publicly owned and varies by state.

Exhibit 8 on page 41 illustrates the different types of AHC governance for Mississippi and its neighboring states.

Exhibit 8: Comparison of Mississippi and its Contiguous States' Academic Health Center Governance

State	AHC	Governance - Medical School	Governance - Clinical Enterprise	Governance Details
Mississippi	University of Mississippi Medical Center	Direct State Oversight	Owned and Operated by State/University	<ul style="list-style-type: none"> Overseen by IHL Board of Trustees with organizational integration into UM CE owned by the university and fully integrated into the university governance
Alabama	University of Alabama at Birmingham School of Medicine	Indirect State Oversight	Owned and Operated by State/University	<ul style="list-style-type: none"> Oversight authority delegated significantly to AHC Board of Trustees and Dean CE owned by the university and integrated into governance
Arkansas	University of Arkansas for Medical Sciences	Direct State Oversight	Owned and Operated by State/University	<ul style="list-style-type: none"> Overseen by Board of Trustees of the University of Arkansas System CE owned by the university and integrated into governance
Louisiana	LSU School of Medicine - New Orleans	Direct State Oversight	Separate	<ul style="list-style-type: none"> Integrated into oversight of LSU System Board of Trustees CE owned by LCMC Health
	LSU School of Medicine - Shreveport	Direct State Oversight	Separate	<ul style="list-style-type: none"> Integrated into oversight of LSU System Board of Trustees CE owned by Ochsner Health
Tennessee	University of Tennessee Health Science Center	Indirect State Oversight	Separate	<ul style="list-style-type: none"> Operates independently within University of Tennessee System Partners with several healthcare providers in state for CE opportunities
	East Tennessee State University College of Medicine	Direct State Oversight	Separate	<ul style="list-style-type: none"> Direct oversight from ETSU President and Board of Trustees Partners with several healthcare providers in state for CE opportunities

SOURCE: PEER analysis of academic health center governance in Mississippi and its four contiguous states.

Issues to Consider Prior to Restructuring UMMC's Governance

AHCs are complicated enterprises with several different objectives and structural complexities. There are several issues that must be considered prior to restructuring UMMC's governance, many of which could change depending on the governance ultimately chosen.

PEER previously identified guidelines for decision-makers to consider when thinking about restructuring the state's postsecondary governance system (see discussion beginning on page 27). For instance, leaders should identify clear goals, objectives, and a general direction before reorganizing governance. Leaders should also identify the specific problems that are the catalyst for the reorganization proposal, and explore options for working within the existing governance to address such issues before significantly altering it. Most of these guidelines could be transferrable to a review of UMMC governance, particularly if that involves removing UMMC from all or part of its dual IHL and UM governance.

Additional effort would need to be taken to focus on UMMC's research and clinical components. In the report *Academic Health Centers: Governance Models and UMMC*, Veralon, Inc., identified the following policy considerations to evaluate when examining UMMC's governance:

- Decisions of UMMC's governing body affect state health policy;
- The current IHL Board of Trustees is structured to govern higher education, not health care;
- Governance decisions must balance short-term risks and long-term gains, the cost and difficulty of change implementation, and the degree of operational and strategic benefits, and should consider the cultural transformation needed to sustain any change;
- The primary focus should be on how reimagined governance and policy could improve UMMC viability and future growth potential;
- All risks associated with pursuing change efforts should be compared against the risk of doing nothing in a fast-paced and increasingly competitive and complex academic health care marketplace; and,
- The Legislature should determine to what extent will any potential change in governance and resulting operations impact each of UMMC's core medical school/academic, research, and clinical components.

There are a number of different variables and unknowns to be taken into account. Absent a formal plan to restructure, examples of potential variables to consider include the following:

- Will the Legislature make changes to the state's postsecondary governance?

- What authority of the IHL Board of Trustees could be delegated to UMMC?
- Can and would the state grant limited authority to UMMC to make procurement decisions and partnership agreements exempt from IHL oversight?
- Would UMMC's name be changed if it were no longer under UM? How much would it cost to rename and rebrand UMMC?

For example, when assessing the existing governance, one would need to take into account not just the teaching role of the hospital, but the financial and operating complexity of running a sizeable health system comprised of multiple hospitals and clinics.

Identify the Approach to Utilize for UMMC's Governance

State leaders could take multiple approaches to amend UMMC's governance. Any approach that alters UMMC's governance would require a change in statute and potentially amending the state's constitution if such change in governance related to removing UMMC from IHL Board of Trustees oversight or significantly altering IHL authority as it relates to UMMC.

PEER attempted to identify potential approaches for restructuring UMMC's governance. In doing so, PEER considered the following:

- A well-designed AHC governance alone cannot ensure sound and effective AHC; AHC governance should be examined holistically;¹²
- UMMC's current governance falls under the purview of UM and the IHL Board of Trustees, as it has since UMMC was established;
- It would take a constitutional amendment to completely remove UMMC from under the purview of IHL Board of Trustees; however, the IHL Board of Trustees could delegate more of its authority to UMMC through a change in its *Policies and Bylaws*;
- It would take changes in statute to remove UMMC from under the purview of UM;
- UMMC's clinical operations are overseen by a board whose purpose is university governance, although the IHL Board of Trustees generally does not play a direct role in UMMC's clinical decision making;
- The majority of state-based public universities with a medical school (and associated AHC) are not governed directly by the state (nor are their AHCs);¹³ and,
- UMMC's current (and future) governance could be impacted by any changes in the state's postsecondary governance

¹² "Analysis of Governance Models for Academic Health Centers", Veralon, Inc., and The Center for Mississippi Health Policy, page 3 (2015).

¹³ "Analysis of Governance Models for Academic Health Centers", Veralon, Inc., and The Center for Mississippi Health Policy, page 3 (2015).

(e.g., the elimination of the IHL Board of Trustees; the establishment of an institutional board governing UM).

State leaders could take multiple approaches to alter UMMC's governance. Some options leaders could choose include:

- working within the existing governance to increase the authority of UMMC;
- amending the constitution to place UMMC under its own governing board and create a non-profit corporation for the CE component of UMMC (or portions of UMMC);
- reevaluating UMMC's current governance and the environment in which UMMC operates, and developing governance more pertinent to an academic health center, as opposed to the current one-size-fits-all governance for universities.

Can the State Identify Sufficient Cause to Change the Existing UMMC Governance?

This approach involves identifying the perceived versus actual problems with the existing governance, the actual impact of such issues, and determining if such issues can be resolved without altering the current governance.

One possible approach would be to work within the existing governance to alleviate any perceived or actual problems. For example, this approach offers the potential to review the IHL Board of Trustees's oversight of UMMC functions to determine what, if any, functions could be moved to the institutional level.

The Legislature could adjust the involvement of the IHL Board of Trustees in institutional decisions. According to its *Policies and Bylaws*, the Board can delegate its authority to the institutions it oversees. For example, the IHL Board of Trustees delegates to the institutions the authority to approve capital outlay projects \$1,000,000 or less, with the exception of certain specified items such as naming buildings, selling land, and removing facilities from inventory. The Legislature could increase the threshold for the approval of certain UMMC procurements or authorize IHL staff to approve certain regular UMMC procurements.

Additionally, the Legislature could make changes in state law. The following example pertains to a 2019 change in DFA oversight over IHL capital outlay projects. S.B. 2867, 2019 Legislative Session, authorized the IHL Board of Trustees to:

... oversee, administer, and approve contracts for the construction and maintenance of buildings and other facilities of the state institutions of higher learning, including related contracts for architectural and engineering services, which are funded in whole or in part by general obligation bonds of the State of Mississippi at institutions designated annually by the board as being capable to procure and administer all such contracts.

Following such legislation, the IHL Board of Trustees determined Mississippi State University, UM, and UMMC were capable of managing their own state-bond-funded projects. H.B. 475, 2022 Regular Session, modified the law's repealer clause, extending the current authority three additional years from June 1, 2022, to July 1, 2025. UMMC has also explored efforts to modify its pay packages to better compete with the private sector for employees, including offering employees the choice to work as non-state service employees. This approach also offers the potential to alter UMMC's governance, without incurring the risks associated with significantly modifying the current governance.

While a change in governance may offer new benefits, it may also create new obstacles. For example, when a state attempts to delegate ownership of its CE to a not-for-profit entity, the mission of the CE may change and cease to match the mission of the AHC. The lack of a unified mission could hinder the success of both the CE and the AHC.

Does Mississippi Want a Single Entity to Govern UMMC?

This approach involves eliminating half of UMMC's current dual governance consisting of UM and the IHL Board of Trustees and requiring UMMC to report to only one board (i.e., IHL or a new UM Board). Efforts to remove UMMC from IHL Board of Trustees oversight would likely require a constitutional amendment.

This approach involves eliminating UMMC's dual governance and requiring UMMC to report to one board. Examples of this approach might include requiring UMMC to report only to the IHL Board of Trustees, requiring UMMC to report only to a board governing UM, or requiring UMMC to report only to a board created specifically for UMMC (discussed in the next section). The two latter examples would require a constitutional amendment because the two options would remove UMMC from IHL governance.

One of the key questions to ask when considering any of these approaches might be: Does placing UMMC under one governing board have a significant impact on UMMC's operations, especially regarding its ability to compete with other academic health centers and nearby hospital systems?

Mississippi's border states place governing authority for their AHCs with the AHCs' respective university systems. As discussed previously in the report, Mississippi's border states utilize an overarching postsecondary coordinating board to coordinate their postsecondary governance and delegate governing authority to institutional governing boards. These states do not have an agency similar to IHL that manages and controls universities. Authority over the AHCs is assigned to the university systems. For example, the University of Arkansas for Medical Sciences is overseen by the Board of Trustees of the University of Arkansas System.

If the state were to remove UMMC from under the governance of UM, the state would have to decide if the UM chancellor or another party would be responsible for hiring the UMMC Vice Chancellor. Outside of hiring the UMMC Vice Chancellor, UM delegates most of

its authority regarding UMMC to UMMC. UMMC's hospitals and medical school are accredited independently from UM. UMMC's various academic programs have their own accreditation.

S.B. 2691, 2022 Regular Session, proposed placing UMMC under the governance of three entities. Although the bill died in Committee, S.B. 2691 would have created a new five-member UMMC Hospital Board to oversee the business operations of the hospital. The proposed Board would have been responsible for:

- approving a multi-year business plan for the hospital's operations, including any expansion of the hospital's physical plant, providers, or healthcare services, in consideration of the hospital's mission to provide charity hospitalization of indigent persons and qualified beneficiaries of the State Medicaid Program;
- overseeing the physical plant of the hospital;
- overseeing the financial operations of the hospital;
- overseeing patient quality and safety in acute care services; and,
- hiring and firing of the hospital administrator, subject to the final approval of the Board of Trustees of the State Institutions of Higher Learning.

The proposed hospital board would not have had authority over UMMC's academic, teaching, or research endeavors or any other authority delegated to the IHL Board of Trustees as described in MISS. CODE ANN. § 37-101-15 (1972).

Does Mississippi Want UMMC to be Governed by a UMMC-Specific Board?

This approach involves removing UMMC from its current dual governance and reconstituting UMMC under a single governing board more tailored to governing an academic health center. Efforts to remove UMMC from IHL Board of Trustees oversight would require a constitutional amendment.

The state could reevaluate UMMC's current governance and the environment in which UMMC operates to develop a governance more pertinent to an AHC, as opposed to the current one-size-fits-all governance for universities. Establishing a UMMC-specific board also offers the potential to remove UMMC from its current dual governance while offering more tailored governance. A new UMMC Board might consist of members including, but not limited to, representatives from various medical professional associations, a patient representative, and other members who represent professional competencies such as academics, medical research, procurement, and information technology.

The Legislature may wish to consider the following questions regarding the composition, authority, and operation of the new UMMC board:

- Would the new UMMC board assume all authority currently held by the IHL Board of Trustees as it pertains to UMMC?
- Would the new UMMC board be given additional powers, such as authority to oversee UMMC's performance, hiring authority for UMMC's institutional executive officer, and, authority to approve of UMMC's strategic plan and UMMC's master plan?

Does Mississippi Want to Separate UMMC's Clinical Enterprise (i.e., hospitals, clinics, and telehealth) from UMMC's Academic and Research Components?

This approach examines the ownership of UMMC's CE (i.e., hospitals, clinics, and telehealth). The CE is currently owned and operated by the state and UM, but it potentially could be operated through a separate governing arrangement (e.g., separate non-profit; partnership with other healthcare providers).

This approach examines the ownership of UMMC's CE (i.e., hospitals, clinics, and telehealth). The CE is currently owned and operated by the state and UM, but it potentially could be operated through a separate governing arrangement (e.g., separate non-profit; partnership with other healthcare providers).

Currently, Mississippi, Alabama, and Arkansas own and operate the CEs that are part of their AHCs. The CEs are fully integrated into the existing governance. For example, clinical staff and medical school training staff may serve on dual leadership teams and observe the same regulatory requirements regarding procurement, open meetings law, and staffing.

Louisiana and Tennessee both outsource their CE to a separate party, but they have different methods of doing so based on the number of medical schools in the state and the population and geography of the state.

In Louisiana, the CEs are owned and operated by third-party entities. In Louisiana, the LSU School of Medicine - New Orleans CE is owned by LCMC Health¹⁴ while the LSU School of Medicine - Shreveport is owned by Ochsner Health.

In Tennessee, the University of Tennessee Health Science Center (part of the UT system) and East Tennessee State University (ETSU) AHC (under the ETSU board) both partner with multiple healthcare providers to provide its medical students with on-site training at hospitals in the state. The UT Health Science Center predominantly partners with hospitals in west and central Tennessee while the East Tennessee State University medical school predominantly focuses on east Tennessee.

Additionally, in 1999, the Tennessee General Assembly authorized the UT Medical Center (i.e., the CE) to formally separate from the University of Tennessee Health System, and operate as a private nonprofit corporation under the Tennessee Nonprofit Corporation

¹⁴ The non-profit parent company over the Louisiana Children's Medical Center.

Act.^{15,16} According to the UT Medical Center's Government Relations Officer, the primary reason for separating the UT Medical Center as a separate nonprofit was to give the UT Medical Center more flexibility to compete with the market. The UT Medical Center's Government Relations Officer cited the following benefits:

- No longer subject to open meetings law as a private nonprofit corporation;
- No longer had to comply with the regulatory hurdles associated with state bid laws;
- Improved opportunities to gain access to capital (no longer reliant on one-time state funding) that may or may not meet needs, and may have restrictions for use;
- Increased flexibility in which to establish pay scales for doctors and other staff; and,
- Ability to offer their own health plan and retirement plan, instead of only the state plan.¹⁷

If the Legislature were to consider separating UMMC's clinical enterprise as a separate nonprofit entity, it would also have to determine a cost-effective method of doing so without adversely impacting the short-term and long-term operations of the medical school, research center, and clinical enterprise.

A number of UMMC's clinical enterprise facilities are on the UMMC campus and are jointly supported by the UMMC Office of Facilities Services. A separate nonprofit would have to either reimburse UMMC for such services, enter into a memorandum of agreement with UMMC to receive services at an agreed-upon cost, or develop its own department. However, creating a new department could adversely impact the remainder of UMMC by reducing economies of scale. Additionally, grant qualification could be affected if a change in governance results in a change to UMMC's accreditation.

There are several additional variables that may need to be considered:

- For example, what legal flexibility will the Legislature authorize a potential nonprofit clinical enterprise to have?
- Will the new entity be subject to open meetings law, public procurement laws, or lose the sovereign immunity afforded to state entities?
- How would this change affect the services provided by UMMC?
- What guarantees could be made that the areas of care in which UMMC is the sole provider in the state would remain after it separates as a nonprofit?

¹⁵ Compiled in Tenn. Code Ann. § 49-9-1301 to § 49-9-1309.

¹⁶ Compiled in Tenn. Code Ann. Title 48, Chapter 51-68.

¹⁷ As part of the transition from a public entity to a private, nonprofit entity, the UT Medical Center paid to lease its employees, who were state employees prior to the transition. This was authorized in 1999. UT Medical Center reported that it still makes lease payments for 176 state employees to the UT Health System.

There are some services that are unprofitable and costly for a hospital to operate. Public hospitals are frequently the sole operators of these services because costs can be recouped through funding avenues other than profit from patient care. Separating the clinical enterprise into a separate nonprofit corporation has the potential to eliminate the incentive for continuing to offer these services, and depriving Mississippi residents of the services.

Appendix A: Summary of Postsecondary Governance in Select Southeastern States

Alabama

Alabama's postsecondary governance consists of a statewide coordinating board that coordinates the state's four-year institution-level boards and the Alabama Community College System.

The 12-member Alabama Commission on Higher Education functions as a statewide coordinating board for postsecondary education, including the state's four-year universities and the Alabama Community College System, which is composed of community colleges and technical colleges. Alabama's four-year universities each have an institutional governing board, except universities under the University of Alabama System.¹⁸

Alabama's Commission on Higher Education has the authority to:

- advise/provide recommendations to state policy and education leaders;
- approve institutional missions;
- develop master/strategic plans for state or system;
- engage in statewide/system-wide policy planning;
- conduct policy research and analysis; and,
- review existing academic programs and approve new academic program roles.

The 10-member Alabama Community College System Board of Trustees governs Alabama's community colleges. Its duties include:

- designating rules and regulations for the governing community and technical colleges;
- prescribing the course of study to be offered and the conditions for granting certificates, diplomas, and/or degrees;
- accepting gifts, donations, property, etc., for the benefit of community and technical colleges; and,
- establishing a performance-based allocation process that is equitable and compatible with the services and programs offered by each individual campus.

Alabama's community colleges do not have local boards.

¹⁸ Includes the University of Alabama (UA), UA-Birmingham, UA-Huntsville, and UAB Medicine.

Arkansas

Although Arkansas also has a coordinating board over its universities and community colleges, Arkansas is unique in that the board's staff also falls under the state's Department of Education which is overseen by Cabinet-level Secretary of Education. Arkansas community colleges are either locally governed or fall under the authority of institutional boards of trustees, which have authority over at least one university and at least one community college. Two Arkansas universities have their own institution-level boards.

The 12-member Arkansas Higher Education Coordinating Board¹⁹ functions as the statewide coordinating board for public postsecondary education for four-year and two-year institutions and oversees the Department of Education's Division of Higher Education's policies and programs.

The Arkansas Higher Education Coordinating Board has the authority to:

- administer federal programs;
- advise and/or provide recommendations to state policy and education leaders;
- approve institutional missions, conduct policy research and analysis, and determine and/or regulate courses of study;
- develop and/or administer academic policies or programs (e.g., admissions, transfer), develop master/strategic plans for state or system;
- engage in statewide or systemwide policy planning, and recommend or approve establishing, merging, or closing institutions; and,
- review existing academic programs.

Three university systems govern a majority of higher education institutions, with the Arkansas State University System, the University of Arkansas System, and the Southern Arkansas University System each responsible for at least one four-year university and at least one community college. Additionally, two public four-year institutions and nine community colleges have their own boards outside of these systems.

The Department of Education - Division of Higher Education functions as the staff of the coordinating board, but reports to the Arkansas Secretary of Education, whose role includes all K-20 education. The Department of Education - Division of Higher Education carries out the board's policies and oversees federal, academic, and student financial aid programs, conducting research and analysis, collecting and disseminating data, and publishing higher education reports.

¹⁹ Consists of 12 members who are appointed by the Governor and serve staggered six-year terms.

Florida

Florida does not have a single statewide coordinating or governing board for public postsecondary education. Florida has a standalone agency for its four-year universities, and each university has its own institution-level board. Florida places control of its two-year community colleges under the Florida State Board of Education. The Department of Education's Division of Florida Colleges serves in an administrative capacity for the Florida College System

The 17-member State University System of Florida Board of Governors governs Florida's public four-year institutions. Supported by its own staff, the Florida Board of Governors oversees the operation and management of Florida public universities; however, each Florida public university has its own governing board. The Board's responsibilities include:

- approve institution budgets and missions;
- advise/make recommendations to state policy and education leaders;
- develop and/or administer academic policies or programs (e.g., admissions, transfer);
- develop master/strategic plans for state or system, develop and/or oversee accountability or performance measures;
- ensure system/institutional efficiencies;
- provide information and data services for the state, systems, and institutions; and,
- approve facility and capital construction plans.

As part of Florida's K-20 governance, the Florida State Board of Education (SBE) governs Florida's public two-year community colleges (each of which also has its own local governing board). Its primary responsibilities are to:

- approve institution budgets;
- advise/make recommendations to state policy and education leaders;
- approve new bachelor's programs offered at two-year colleges;
- develop master/strategic plans for state or system;
- develop and/or oversee accountability or performance measures
- Ensure academic program and institutional quality;
- license or authorize specified institutions; and,
- approve facility and capital construction plans.

SBE is supported by the Department of Education's Division of Florida Colleges; the Chancellor of the Florida College System reports to the Commissioner of Education (i.e., the Department of Education chief executive officer).

Georgia

The Board of Regents of the University System of Georgia governs both public universities and two-year/four-year community colleges. The State Board of the Technical College System of Georgia governs Georgia's two-year technical institutions. No institution has a local governing board.

Georgia's universities, community colleges, or technical colleges do not have their own governing boards. However, technical colleges have local advisory boards.

The 19-member Board of Regents of the University System of Georgia governs public colleges and universities that comprise the University System of Georgia in addition to Georgia's community colleges. Georgia's community colleges function as two-year/four-year state colleges, serving as the associate-level access institution in the local area and offering a limited number of baccalaureate programs targeted to serve the economic development needs of the college's specific region. The Board of Regents has the authority to:

- oversee the Georgia Archives and the Georgia Public Library Service;
- approve institution budgets, new academic programs, and institutional missions;
- approve campus presidential hiring and/or compensation;
- develop master/strategic plans for the system and engage in system-wide policy planning;
- recommend or approve establishing, merging or closing institutions;
- approve facility and capital construction plans; and,
- set faculty and personnel policies.

The 23-member State Board of the Technical College System of Georgia oversees Georgia's two-year technical colleges, adult education and literacy programs, and workforce development programs. The board has the authority to:

- approve institution budgets, new academic programs, and institutional missions;
- approve campus presidential hiring and/or compensation;
- develop and/or administer academic policies or programs (e.g., admissions, transfer);
- engage in statewide or system-wide policy planning;
- approve establishing, merging or closing institutions; and,
- approve facility and capital construction plans.

Both state boards have their own staff.

Kentucky

Kentucky's Council on Postsecondary Education functions as a coordinating board overseeing Kentucky's state universities and the Kentucky Community and Technical College System.

The 16-member Council on Postsecondary Education functions as a coordinating board for Kentucky's state universities and the Kentucky Community and Technical College System (KCTCS). The Council also licenses non-profit and for-profit higher education institutions operating in Kentucky. The Council has the authority to:

- advise and/or provide recommendations to state policy and education leaders;
- approve or oversee interstate compacts and reciprocity agreements (e.g., tuition agreements);
- approve institutional missions;
- develop and/or administer academic policies or programs (e.g., admissions, transfer);
- develop master/strategic plans for state or system;
- develop and/or oversee accountability or performance measures;
- license or approve/authorize specified institutions
- promote or advocate for institutions;
- recommend or approve establishing, merging, or closing institutions; and,
- review or approve facility/capital construction plans.

Kentucky's universities are governed by individual boards. Neither the Council nor its attached agency is involved in a public college's day-to-day operations, board appointments, personnel matters, budget-setting, or extracurricular.

The 14-member Kentucky Community and Technical College Board of Regents has the authority to:

- adopt and enforce obedience to bylaws, rules, and regulations for the governance of its members, officers, agents, and employees;
- periodically evaluate the institution's progress in implementing its missions, goals, and objectives to conform to the strategic agenda;
- adopt a biennial budget request for the KCTCS System and an allocation process for distributing funds to the colleges; and,
- determine the number of divisions, departments, bureaus, offices, and agencies needed for the successful conduct of the affairs of the college.

Louisiana

Louisiana has a statewide, coordinating board—the Louisiana Board of Regents—for its public higher education system, and separate governing boards overseeing the Louisiana Community and Technical College System and the state’s three university systems. Louisiana’s community and technical colleges do not have local governing boards.

The 16-member Louisiana Board of Regents, which has its own staff, coordinates the state’s public higher education system. The Board of Regents has the authority to:

- review and recommend institutional budgets;
- approve or oversee interstate compacts and reciprocity agreements;
- approve institutional missions;
- approve of or award degrees and credentials;
- develop and/or administer academic policies or programs (e.g., admissions, transfer);
- develop master/strategic plans for state or system;
- engage in statewide or systemwide policy planning;
- license or approve/authorize specified institutions;
- evaluate system and institutional effectiveness;
- recommend or approve establishing, merging or closing institutions;
- review existing academic programs or approve new programs; and,
- approve facility and capital construction plans.

Separate governing boards oversee the Louisiana Community and Technical College System, the University of Louisiana System, the Southern University and Agricultural and Mechanical College System, and the Louisiana State University Agricultural and Mechanical College System. The 17-member board responsible for controlling, supervising, and managing Louisiana Community and Technical College System 12 institutions has the authority to:

- continuously evaluate the effectiveness of the system, campus CEOs, and campus programs;
- receive and expend (or allocate for expenditure to its institutions) monies appropriated or otherwise made available for purposes of the Board and/or the institutions under its jurisdiction;
- approve curricula and programs of study;
- purchase land and purchase/construct buildings necessary for the use of its institutions; and,
- purchase equipment and maintain and make improvements to facilities for use of its institutions.

Tennessee

Tennessee has a statewide coordinating board for postsecondary education – the Tennessee Higher Education Commission. Universities either have their own institution-level board or fall under the University of Tennessee System Board. The Tennessee Board of Regents governs Tennessee’s 13 community colleges and 27 technical colleges, none of which have local boards.

The 14-member Tennessee Higher Education Commission, which has its own staff, coordinates the state’s postsecondary education. The Commission has the authority to:

- approve institution budgets, new academic programs, and institutional missions;
- develop and/or administer academic policies or programs (e.g., admissions, transfer);
- develop master/strategic plans for state or system;
- ensure academic program and/or institutional quality;
- license or approve/authorize specified institutions;
- develop performance measures, and monitor or evaluate system/institutional effectiveness;
- review existing academic programs; and,
- approve facility/capital construction plans.

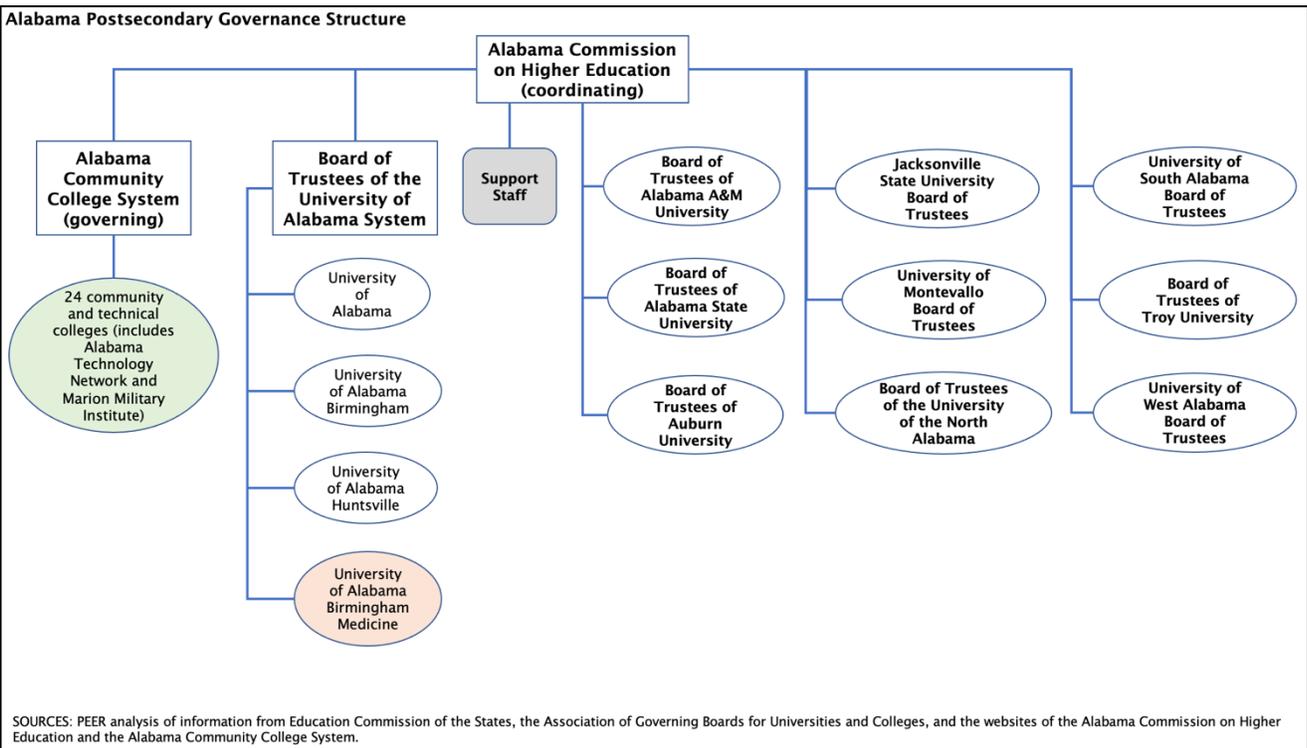
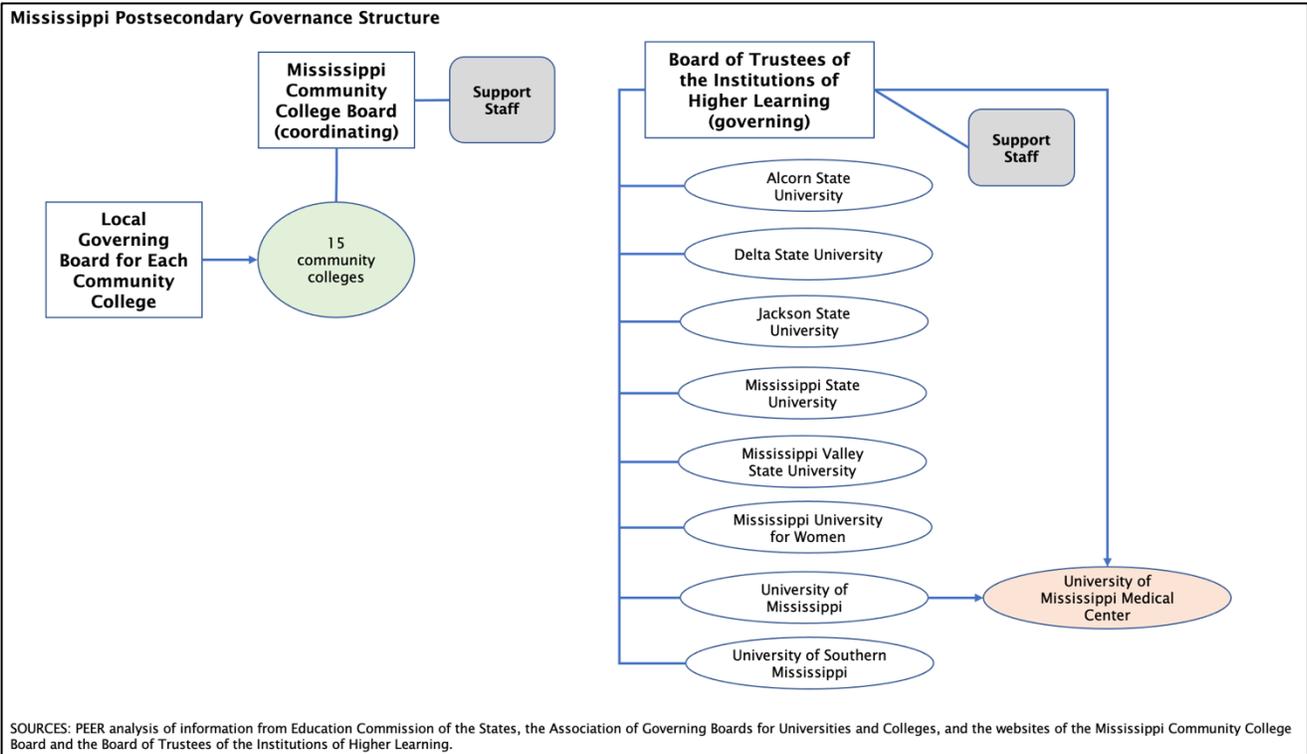
Tennessee’s universities each have their own governing board, with the exception of those under the UT System.

The 19-member Tennessee Board of Regents, which governs Tennessee’s 13 community colleges and 27 technical colleges, has the authority to:

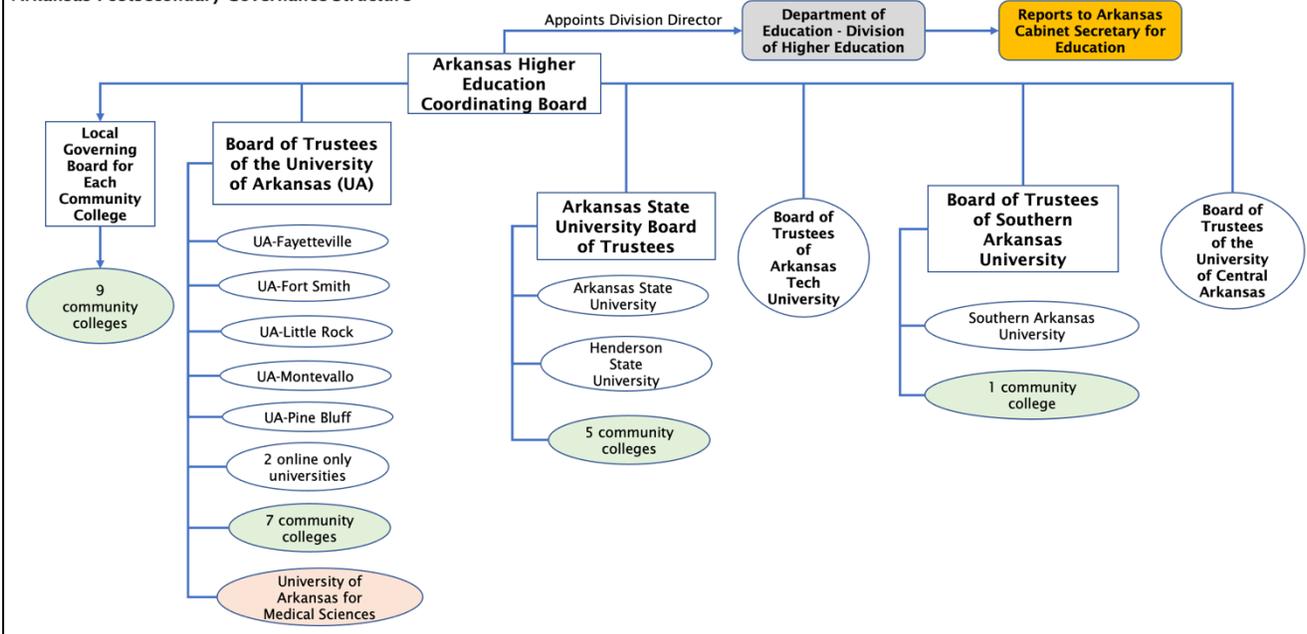
- assume general responsibility for the operation of the institutions, delegating to the chief executive officer of each respective institution such powers and duties as are necessary and appropriate for the efficient administration of the institution;
- approve the operating budgets and set the fiscal policies for the schools under its control;
- prescribe curricula and requirements for diplomas and degrees; and,
- establish policies and regulations regarding the campus life of the institutions (e.g., conduct of students, student housing, safety).

In lieu of local boards, the Board of Regents utilizes a model consisting of formal sub-councils and the Presidents’ Council. Composed of the system’s 40 presidents, the Presidents’ Council considers policy changes approved by the applicable sub-council and makes recommendations to the Board of Regents for final approval.

Appendix B: Illustrations of Postsecondary Governance in Select Southeastern States

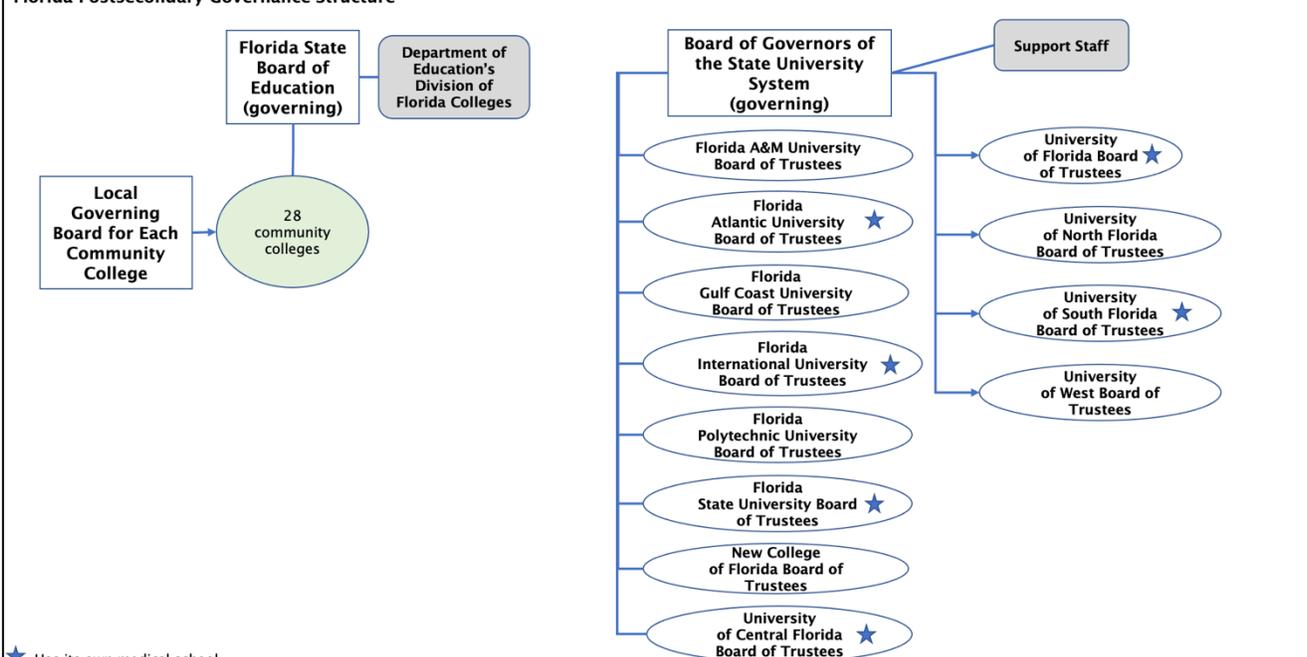


Arkansas Postsecondary Governance Structure



SOURCES: PEER analysis of information from Education Commission of the States, the Association of Governing Boards for Universities and Colleges, the non-profit association representing Arkansas Community Colleges, and the websites of the Board of Trustees of the University of Arkansas and the Arkansas Higher Education Coordinating Board.

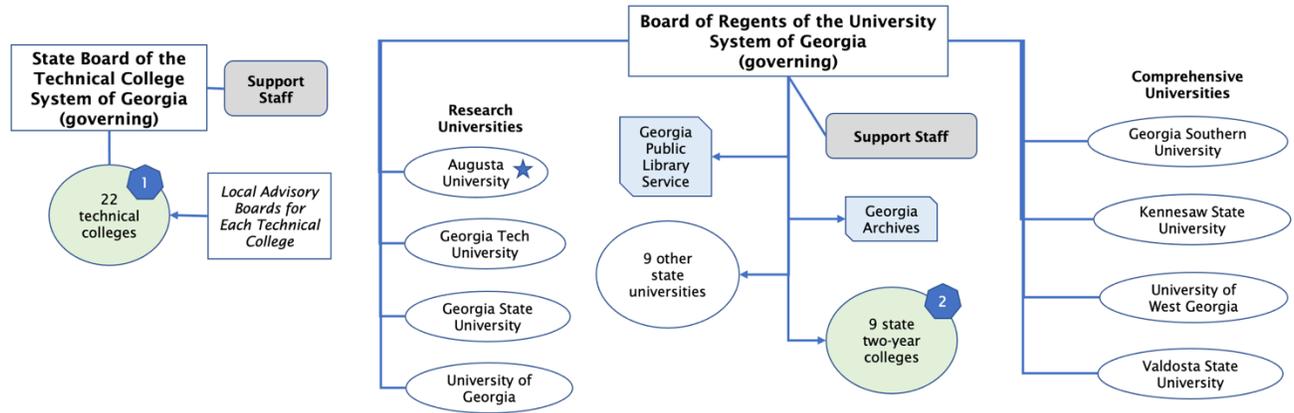
Florida Postsecondary Governance Structure



★ Has its own medical school.

SOURCES: PEER analysis of information from Education Commission of the States, the Association of Governing Boards for Universities and Colleges, and the websites of the Florida State Board of Education and the Board of Governors of the State University System.

Georgia Postsecondary Governance Structure



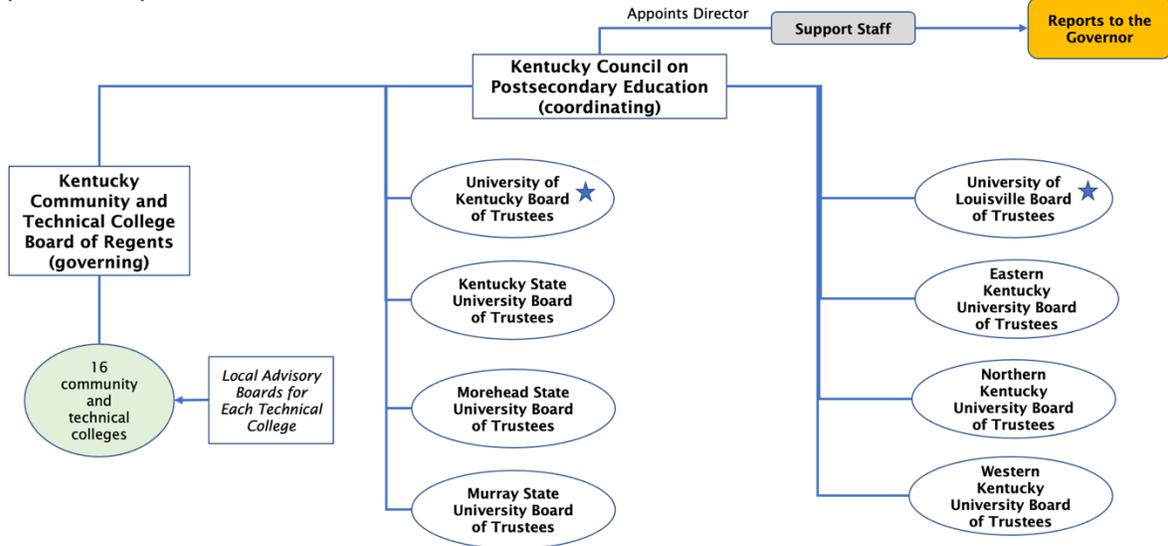
★ Has its own medical school. Also has two regional campuses based at two health systems in Albany and Brunswick, Georgia. In January 2008, the University System of Georgia Board of Regents accepted a medical education expansion plan for the state calling for the university's medical college to expand statewide, including opening the four-year Augusta University/University of Georgia Medical Partnership in Athens. This campus focuses on small group learning approaches leveraging its small class size.

1 The technical colleges offer certifications attainable in two years or less as well as adult education and literacy programs and economic and workforce development programs.

2 The primary functions of a state college are to serve as the associate-level access institution in the local area and to offer a limited number of baccalaureate programs targeted to serve the economic development needs of their region.

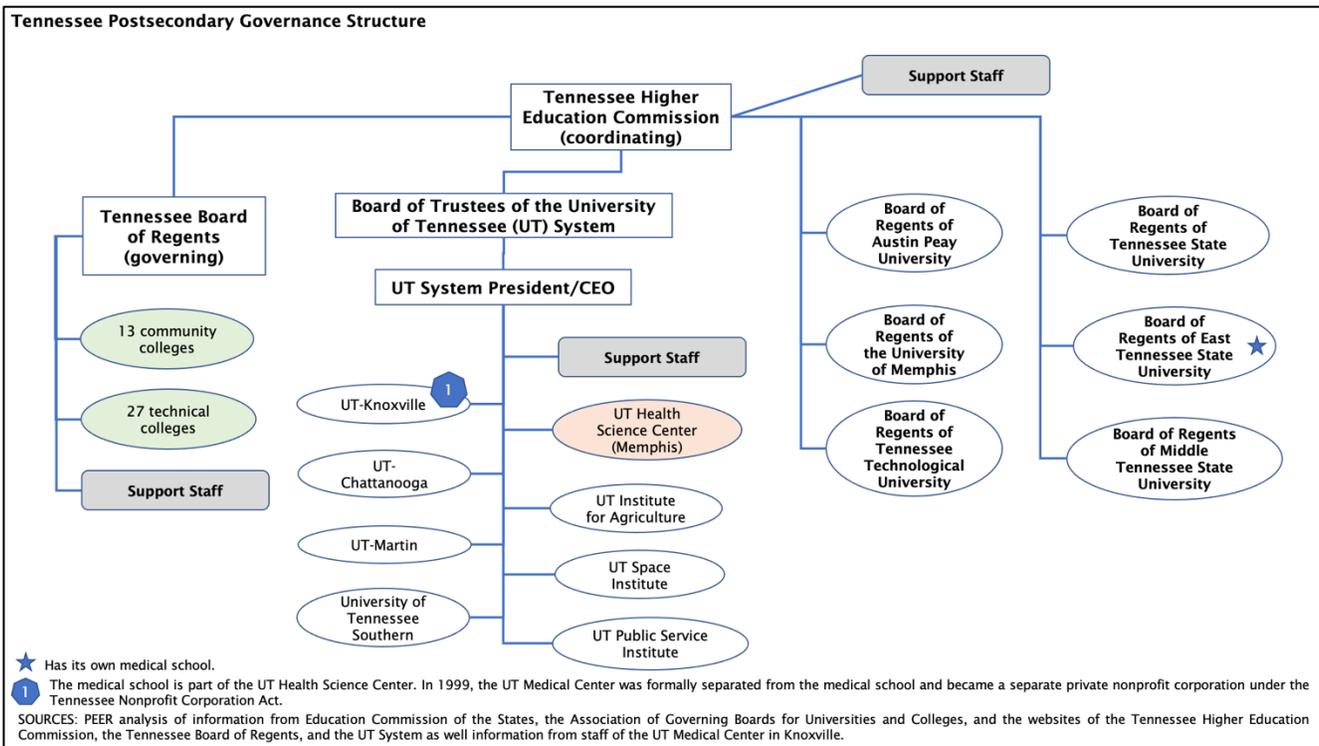
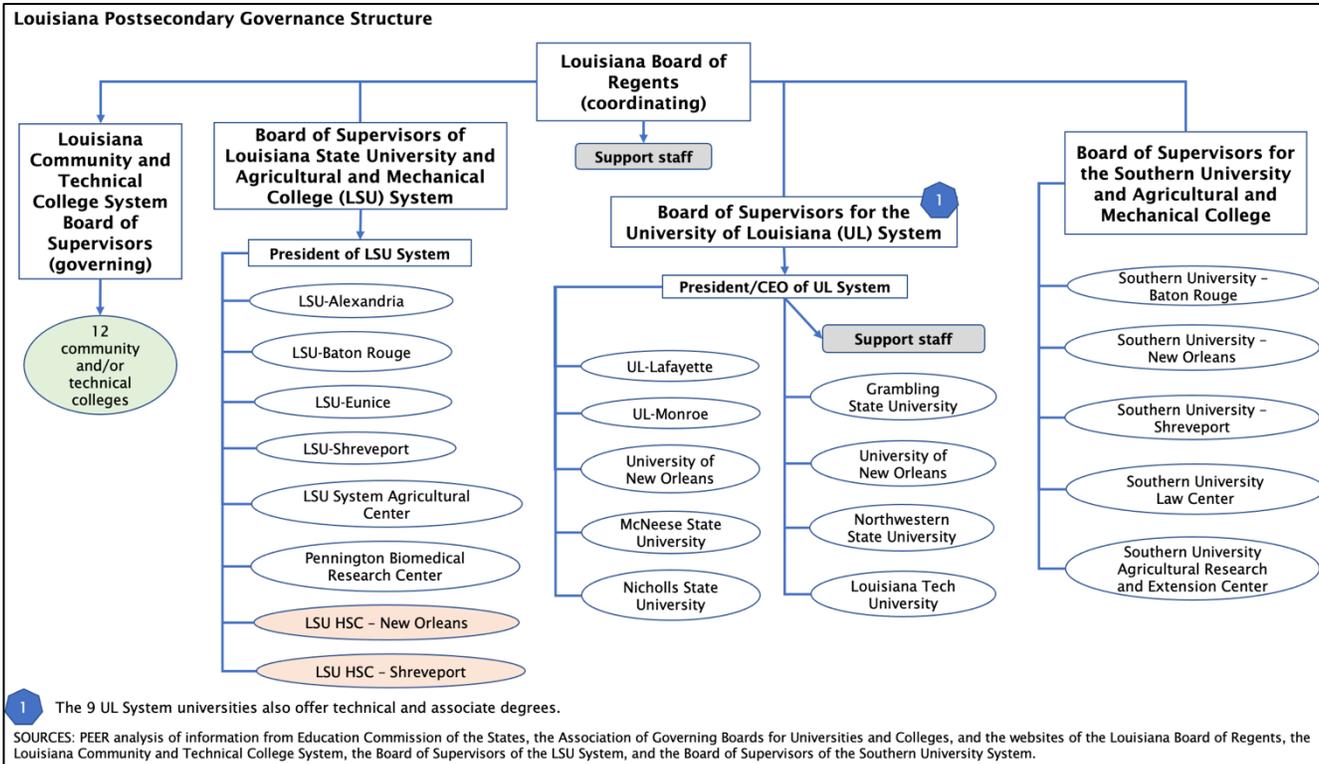
SOURCES: PEER analysis of information from Education Commission of the States, the Association of Governing Boards for Universities and Colleges, and the websites of the Board of Regents of the University System of Georgia and the State Board of Technical College System of Georgia.

Kentucky Postsecondary Governance Structure



★ Has its own medical school. UK Medicine also has regional campuses in partnership with Northern Kentucky and Western Kentucky.

SOURCES: PEER analysis of information from Education Commission of the States, the Association of Governing Boards for Universities and Colleges, and the websites of the Kentucky Council on Postsecondary Education and the Kentucky Community and Technical College Board of Regents.



SOURCE: PEER staff analysis.

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